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THE PROSPECTIVE CONSOLIDATION WITH THE A. C. A. FROM THE LEAGUE'S STANDPOINT

BY RICHARD S. CHILDS

A VARIETY of facts made a union of the American Civic Association and the National Municipal League opportune at this time.

The personnel of the American Civic Association staff was changing. We had a monthly magazine which could, and did, cover much of their subject territory, and yet reached only 18 per cent of their members. They had no magazine but had a variety of pamphlets that we could use and some of which we need. Mr. Woodruff, our honorary secretary, is their vice-president and Mr. McFarland, their president, is our vice-president. A roster of their active spirits and attendants at conventions would make any National Municipal League member feel entirely at home.

Our recent co-operation with the city-planning fraternity whereby our REVIEW became the official organ of the City-Planning Conference increased still further our overlapping of active personnel. Mr. McFarland, who has from the first been the moving spirit of the American Civic Association, was in a mood to welcome the relief which union would bring to his overburdened energy. The National Municipal League was disposed to alter its name and that of the REVIEW, for the word "Municipal" was a misnomer in view of our interest in state and county problems, and for a year the council had been equipped with authority from the Cleveland convention to change the names. This reduced on our side the problem of institutional pride in an old name and made the project for a new composite name much more acceptable to us. On the other hand the American Civic Association is easily satisfied with any variation that includes their salient word "Civic."

A more urgent reason lay in the existing duplication. The American Civic Association field included city planning, zoning, municipal art commissions, park and playground questions, and all the external physical problems of government which are included roughly in the old phrase "City Beautiful." For years the League had been lapping over into that field for the natural reason that our members, as local civic reformers, were a choice audience for that propaganda.

Topics, speakers and even some papers, at the conventions of the two organizations, were frequently identical. Both had pamphlets on the subject of "Zoning" and there was one narrow escape from an almost simultaneous duplication of expensive pamphlets on "Billboard Control." Some economies could be achieved by union in handling membership detail and still more by enabling the American Civic Association to reach its membership by a monthly magazine instead of by special letters and pamphlets.

Accordingly a "trial marriage" was arranged and approved unanimously at the Indianapolis convention. Overlapping councils were chosen. The REVIEW is made the official organ of the American Civic Association. That is all for the present. The American Civic Association retains its office in Washington where Miss Harlean James replaces Miss Eleanor Marshall, who seems to like a certain fortunate man better than she does the office. A joint convention is scheduled for 1921 at which identical governing boards can be elected and a composite name adopted.

A manifest result is the addition of, we hope, fully a thousand subscribers to our magazine out of the 1400 American Civic Association members who are not already subscribers, bringing our edition up to 4,000. The American Civic Association members are being billed for the REVIEW, their new official organ, for the unexpired terms of their American Civic Association membership. The new American Civic Association minimum dues will be $5 plus $2.50 optional for the magazine. Higher classes of American Civic Association membership will include the magazine without the surcharge.

If the consolidation is completed at the 1921 convention—and there is no visible opposition—the organization thus united will be the one big general association of the United States devoted to civic affairs, and more than ever the natural clearing-house for service and inspiration to those who press for progress in the local fields.

BRACKETING THE NATIONAL MUNICIPAL LEAGUE WITH THE AMERICAN CIVIC ASSOCIATION

BY J. HORACE McFARLAND

The President of the American Civic Association discusses the proposed consolidation with the National Municipal League. Both have been pioneer organizations. :: :: :: :: :: :: ::

THE readers of this publication need no introduction to the National Municipal League, nor is it in point here to recount its achievements or its history.

A recent inquiry showed that less than 20 per cent of the membership of the National Municipal League had also membership in the American Civic Association. In view of the expressed desire on the part of the League to sit close to the association for mutual advantage, and with the possibility of an eventual consolidation, it seems therefore now most desirable to acquaint the readers of the NATIONAL MUNICIPAL REVIEW with that civic organization.

The American Civic Association was formed in 1904 through the merging of the American Park and Outdoor Art Association and the American League for Civic Improvement. The merged organization began business with high hopes and a considerable debt. The latter, it may be said in passing, increased considerably before it was extinguished completely, and is now only a memory of need, courage and accomplishment. The hopes remain, and are increasing as the years go by and the opportunities open.

Organized upon a very simple basis permitting quick and concentrated operation the American Civic Association found its hands full of things to do and its membership instinct with the desire to do them immediately. In those days mosquitoes were still a pest which it was expected should be endured, and flies were accepted similarly. Encouraging the organization devoted to the singing nuisance, that soon passed into the category of avoidable troubles, while the fly was swatted nationally because of the campaign organized by the association.

Poles, wires, avoidable black smoke, and the abuses of excessive outdoor advertising were tackled with courage and with mixed results. Most of the wires in populous places have gone underground, much of the black smoke has been economically consumed, but the billboards are yet with us,.

In 1905, at its first annual meeting after organization, the American Civic Association internationalized the ownership of Niagara Falls and began the movement which five years later resulted in a definite measure of protection to the great cataract through the negotiation of a treaty with Great Britain. The picturesque campaigns it waged, in which several successive presidents of the United States did good service, are now history, but the need for continuing the effort in the face of a determined proposition to further skin the cataract of its power possibilities to the damage of its awe-inspiring dignity and beauty, is very real.

It occurred to the officials of the American Civic Association that the national parks were worth at least one whole desk in Washington. Comprising as they did ten years ago a great territory, more than equal in extent to the two smaller states of the Union, they were handled casually and incidentally in the federal government in part of the time of men devoted to other efforts in the war department, the interior department and the department of agriculture. There was no national park service, and the parks themselves were not well managed. Insisting on the need for nationalizing the national parks, and interesting in them several successive presidents and secretaries of the interior, has resulted, directly through the efforts begun by the American Civic Association, in the establishment of the present efficient national park service, under which these splendid and unreplaceable resources of the nation are now being used by the people who own them with pleasure and advantage. At the moment vigorous warfare is being waged in defense of the national parks, which have become so valuable to all the nation that, as usual, some few citizens of the nation desire to possess for their own selfish advantage the water-power and the irrigation reservoir sites that would turn aside these areas from their designed beneficent use.

Steadily the aim of the American Civic Association to make American communities better places to live in has brought about the promotion of community betterment. It brought the playground movement to where a national organization could take it up

and efficiently forward it alone. Making city planning known to the nation resulted similarly in the formation and promotion of a city planning conference which now does good work. Zoning in protection of living conditions and property values has been promoted toward a consistent and continuous practice. Housing has been fostered where it had relation to the community plan, always in harmony and without conflict with the national organizations devoted particularly to that all-important subject.

The method of operation of the American Civic Association, which does not seek to establish minor branches but welcomes to membership all forward-looking organizations and individuals; its avoidance of wasteful reports; its presentation to the press of the nation of succinct, readable items concerning important things doing and needing to be done; its direct work on congress when need arises; its history of keeping clear of entangling alliances not related to making the community a better place to live in—all have combined to give this organization not only a strong hold on the American public but a wide sweep of influence.

It is this organization which now gladly stands behind the National Municipal League. In its work it has always felt the need for the detail of administration effort which is the peculiar function of the League, just as the latter has found its work short-circuited without reference to housing, parks and playgrounds, the abolition of poles and wires, the mitigation of black smoke and the reduction of billboards.

This, then, is the bracketing of the two organizations, which it is believed ought to result in larger influence for both, and, what is very much more important, in larger good for America.

COMMISSION GOVERNMENT LOSING GROUND IN ST. PAUL

BY T. L. HINCKLEY

After six years of commission government St. Paul, the capital city of Minnesota, is somewhat disillusioned.

The complaint against commission rule is the familiar one of lack of coordination of activities. In the opinion of many, this has resulted in duplication of effort and rivalry between department heads, with consequent increased costs of administration. It is also stated that there has been so much patching of the original commission charter, that many of its provisions have been nullified, and that a new instrument is preferable to more amendments.

A further reproach is contained in the assertion that although department heads have conceded the presence of a certain amount of duplication and admit that a general over-hauling of system would be highly beneficial, still, until very recently, no steps have been taken to bring this about.

As this goes to press word has been received of a survey of the city administration which is soon to be arranged, a step which may be viewed as an acknowledgement of the justice of this criticism.

Friends of the commission explain that a large portion of the increased costs of administration are due to the unprecedented increases in labor

and materials charges, not to mention such things as the recent adoption of the two-platoon system by special vote of the people. As to elimination of waste, a leading official of the city government has stated that possibly the "slack" in city business methods may amount to $100,000 annually, a sum worth going after, whenever the people vote the funds necessary for a special investigation.

From the foregoing it will be seen that the financial side of the question has been the most emphasized in whatever public discussion has taken place. The advantages of a more responsible type of government, the council-manager type, for example, have been urged frequently by the press, but it cannot be said that popular interest has as yet assumed the proportions of a general demand.

A charter commission has been at work upon the general problem for some time, and recently an outline draft of a proposed new charter was published. This was stated to be a "modified city-manager" plan, but an examination of its provisions seems to classify it rather as a modified federal plan, the mayor being charged with many of the duties of a city manager. Regardless of its precise type, this draft is understood to represent the views of many who fear that the voters would reject a clean-cut council-manager charter.

It is impossible to predict just what turn charter revision in St. Paul will take. The best informed opinion is favorable to the council-manager system, but, as indicated, there is no general demand as yet for this reform. Dr. A. R. Hatton recently addressed the influential St. Paul Association on the general subject of charter reform, but no final action has been taken on the matter. In the meantime, amendment of the present charter continues, there being two such amendments voted in by the citizens at the last election. Until other steps are taken, the passage of additional amendments is the only remedy for charter ills; but it is safe to say that with the passage of more amendments the feeling grows that a different form of government will prove more efficient.

RESULTS OF SOLDIER BONUS REFERENDA[1]

BY RUTH MONTGOMERY

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FIVE states have been added to the list of those giving a bonus to their world war veterans, Maine, New Jersey, New York, Rhode Island and Washington. The laws of these states require the approval by the electors of any bond issue. For this reason it was necessary to submit the propositions for the soldier bonus to the voters. New York, Washington and New Jersey did this in the November elections, Maine and Rhode Island earlier. In New York, at least, and probably elsewhere, considerable objection developed both within the American Legion and outside. In one small New York community with approximately 1,000 electors, only 80 votes were cast for the proposition; however, final returns will give the bonus an enormous majority. The most telling argument used against the proposition was the increased burden of taxation.

[1] For an earlier article on this subject see NATIONAL MUNICIPAL REVIEW for October, 1920.

Distributing the various amounts over ten to twenty years makes the burden very light on each individual.

The laws of Maine and Rhode Island, as approved, provide for the payment of $100 to all veterans regardless of the length of service. New Jersey and New York base their payments on the number of months of service, $10 for each month, fixing as a maximum $100 in New Jersey and $250 in New York. New York having the largest population naturally has the biggest task, her amount being fixed at $45,000,000. Rhode Island comes at the other end with $2,500,000, and in between New Jersey with $12,000,000, Maine with $3,000,000.

The machinery for carrying the law into effect is provided for in each state except New York. The operation of that law must wait until the 1921 legislature provides a board for its administration. This will no doubt affect the number to be benefited, because one requirement is residence in the state when the law becomes effective. Departing from the usual ex-officio board, consisting of the military and financial heads of the states, Rhode Island has a civilian board in charge.

In addition to these states, we now note a law in Washington which was approved in the November election. It provides for a bonus of $15 for every month of service between April 6, 1917, and November 11, 1919, to be paid to all Washington men and women, or their heirs, in the military, naval and air service of the United States and its allies. Exception is made in those persons receiving bonuses from other states, or any compensation in addition to the regular army and navy pay, unless the amount received does not equal the bonus, then they are entitled to the difference. The state auditor with the aid of the adjutant-general is the administrative officer. The money will come from an issue of 6 per cent bonds, totalling $11,000,000, with an additional issue authorized if necessary. These bonds must be retired within twenty years, the retirement fund to be raised by an annual tax of one mill on the dollar of taxable property. This bond issue is in the hands of the state board of finance.

THE SOCIAL UNIT ENDED IN CINCINNATI

BY WARWICK BLACK
Cincinnati Municipal Reference Bureau

THE history of the closing days of the Social Unit experiment in Cincinnati completes the cycle of articles and criticisms that have been issued from time to time concerning this much talked of endeavor. In the September number of the REVIEW, there appeared a most comprehensive paper on the project, considering it from its main and original angle, as an experiment in government, rather than as a social service scheme. The final chapters, however, show how much of the former plan had been abandoned, and how more and more the idea was developed along social rather than political lines. It ceased to be the workshop of the political scientist and became that of the social worker.

The final decision for the abandonment of the Social Unit was in nowise hasty, rather the contrary, the last step in a sure, gradual process of disintegration. After the mayor and

his colleagues had taken a firm stand in opposition to this new "socialistic" phenomenon that had appeared rather suddenly in our midst, the question of its continued usefulness, if not its very life was a matter of time only. Financial stringencies added further complications, and soon the Unit was in the position of not knowing from whence the next dollar would come. For a while the discrepancies were tided over by gifts from funds of other organizations, which delegated to the Unit, in the Mohawk-Brighton district, work for which they would otherwise be responsible. Among these organizations was the Visiting Nurses' Association, and others of a similar nature. Prompted by the threat of the withdrawal of large contributions, the Council of Social Agencies, which controlled the funds of these organizations, decided not to allow any transference from one agency to another. This exclusion of the Unit from any participation in the benefits either direct or indirect, of the Council of Social Agencies, forced the directors to conduct a separate campaign which did not end advantageously for the cause they sponsored. It was soon evident that the experiment could not proceed on its own momentum, and that steps preparatory to closing were in order. Accordingly, in July of this year, a final summary was published by the executive head of the organization.

The middle of November saw the first definite step of actual disbanding, when arrangements were made for the Baby Milk Fund Association to take over the infant and child welfare work, since this organization had previously functioned in the Mohawk-Brighton district before superseded by the Social Unit. A few days later came the announcement that the final bulletin had been issued, and that various phases of the work had been turned over to several organizations, including besides the Baby Milk Fund Association, the Visiting Nurses' Association, and the Anti-Tuberculosis League. For the time being, the Unit will continue a few functions, such as the health station, which will be open certain days of the week; the nutrition classes, and the dental clinic. At the time of closing there were under the care of the Social Unit 352 babies, 498 pre-school children, as well as 30 adult bedside cases, and 150 active and contact tuberculosis cases, out of a district comprising about 12,000 people.

A concluding estimate of its work cannot be made until we are further away from the beclouding details of the project, but certainly it is safe to say that while it did not contribute greatly in its original field, that of government, it did contribute much in the field of social betterment, and it remains to be seen whether the organizations now assuming its functions can manage them as efficiently, and with the same degree of satisfaction to those concerned as did the Social Unit. It has given us, as Mr. Phillips, Executive Secretary of the National Social Unit Organization, says, "Increased efficiency in social service, achieved through centralization which has amounted in the field of public health alone from 300–1,200 per cent; the increased participation in the affairs of the neighborhood on the part of the people; of supplementing public effort with the assistance of members of technical groups and the growth of the spirit of true neighborliness."

RECORD OF LEGISLATIVE ACCOMPLISHMENT 1920

BY ELINOR M. EPPICH
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GOVERNMENTAL REORGANIZATION

DURING 1920 eleven states (Georgia, Kentucky, Louisiana, Maryland, Massachusetts, Mississippi, New Jersey, New York, Rhode Island, South Carolina, Virginia) held regular sessions of their legislatures, twelve (Oregon, Indiana, Wyoming, Nevada, Idaho, Arizona, West Virginia, New Mexico, Washington, Texas, Kansas, Delaware) held special sessions, and one (Ohio) held a second session of its 1919 assembly.

Of these states eight passed laws or resolutions or proposed constitutional amendments affecting the organization of government. The resolution passed by the Washington state legislature is the most comprehensive. It provides that the governor, with the assistance of the attorney-general, prepare and submit to the next regular session a civil administrative code providing for the vesting of all executive functions of the state in a limited number of departments. In New York the constitutional amendments, recommended by the reconstruction commission appointed by Governor Smith, failed, but three alternative measures, one of which incorporates provisions to practically the same effect as those of the commission, were adopted and will come before the next legislature for second approval. By this amendment the present one hundred and eighty-seven boards, commissions and bureaus are consolidated into twenty-one departments, most of whose heads are appointed by the governor with the consent of the senate. In Indiana several constitutional amendments were proposed which must be acted upon by the legislature of 1921, and may thereafter be referred to the electors. Three of them fix the terms of various officers at four years, and two provide for the appointment rather than the election of two state officers, namely, the clerk of the supreme court and the superintendent of public instruction. Ohio passed a measure extending the term of county auditors from two to four years.

A constitutional amendment proposed by the legislature of Indiana was the only measure adopted by a 1920 legislature which provided for an executive budget. The attempt of the reconstruction commission of New York to obtain an executive budget failed, although a legislative budget was provided for. An unsuccessful attempt was made in South Carolina to repeal the executive budget system adopted in 1919.

Two states, Virginia and Maryland, passed acts providing for state purchasing departments. The law of Maryland creates a central purchasing bureau, while that of Virginia creates a commission to provide for and designate a state purchasing agent.

In the field of municipal government, the legislature of Maryland has passed a law providing for a single police commissioner for the city of Baltimore instead of the police board. In Rhode Island the Tiverton police commission

was abolished and the police power placed in the hands of the town council. Massachusetts has made mandatory the audit of accounts of all cities and towns at least once in three years by the director of the division of accounts.

HOME RULE AND PUBLIC UTILITIES

Maryland advanced the cause of municipal home rule by granting to the voters of Baltimore city the right to change their form of government. They are also authorized to decide whether the police commissioner shall be appointed by the governor or by the mayor. In Massachusetts town governments "progressive changes are facilitated by a bill authorizing their independent action."[1] The senate of New York failed to pass the home rule amendment endorsed by the New York state conference of mayors and recommended by the governor. The Downing bill, giving the board of estimate and apportionment power to fix county salaries in New York city, also failed. Kentucky has made it possible for the smaller cities in the state to have commission form of government if they so desire.

South Carolina was the only state to pass legislation to allow municipal corporations to buy and sell public utilities. This act, which is an amendment of a law of 1912, provides for municipalities to buy and sell water works, gas works, and electric light works. In New York legislation to permit municipalities to acquire, own, operate and control public utilities failed, and likewise in Ohio a bill failed which authorized municipal corporations to issue bonds to purchase, construct and acquire by condemnation a transportation system. Ohio was saved by the governor's veto from a measure giving the public utilities commission, where deemed by it necessary to prevent injury to any public utility or street railway in any emergency, authority temporarily to alter, amend or suspend any existing rates or schedules prescribed in contract or franchise. A measure somewhat like it failed in the New York legislature providing that the public service commission might regulate rates notwithstanding franchise or other agreements. Rhode Island passed an act to allow towns to contribute to costs of trolley service lines within their respective limits.

The tendency of the 1920 legislatures was toward public regulation of public vehicles. Maryland placed taxicabs under the control of the public service commission; Rhode Island placed jitneys and buses under the public utilities commission; South Carolina included steamboat lines and truck lines in the common carriers regulated by the railroad commission; Texas defines natural gas companies as virtual monopolies and subjects them to the power of the railroad commission, and Virginia empowers the state corporation commission to regulate the delivery of power, heat, light or water by public utility corporations.

PUBLIC DEBT

Massachusetts, as a state, has adhered to the pay-as-you-go policy, but other states seem to have been confronted with the necessity for expanding their debts. Even in Massachusetts the legislature granted to certain towns authority to exceed their debt limit. New Jersey increased the limit on net indebtedness of counties from 2 to 4 per cent of ratables; New York excluded school bonds from city debt limits; Maryland has authorized drain-

[1] Review of Legislation of the session of 1920, by Speaker Joseph E. Warner of the Massachusetts House of Representatives.

age commissioners to issue bonds; the legislature of Oregon proposed a constitutional amendment increasing the limit of state indebtedness for permanent roads to 4 per cent instead of 2, and the legislature of Georgia passed an act to amend the state constitution to allow West Point to increase its bonded debt.

The Ohio legislature passed an act to lift the interest and sinking fund levies, on account of bonds issued prior to January 20, 1920, from out of the limitations provided by the Smith one per cent law into the fifteen mill limitation. The question must be submitted to the voters of the individual municipalities.

TAXATION

As with debt so with taxation, legislatures have been compelled to look beyond present provisions for money to meet the increasing costs of government. Washington has increased the maximum tax levy to five mills instead of three, and has also increased the maximum tax levy for public schools; Rhode Island has passed an act allowing cities and towns to increase their tax assessment from $1\frac{1}{2}$ to $2\frac{1}{2}$ per cent of their ratable property valuation; Maryland has increased the maximum rate in three counties; while Texas at the November election passed a constitutional amendment removing all limits from taxation for local school purposes.

Oregon submitted to the people measures providing for additional tax levies for the support of schools. Ohio has made drastic increases in existing taxes, the tax paid by wholesale cigarette dealers being increased as much as from thirty dollars to two hundred dollars annually. Kentucky has placed a tax on gasoline; Massachusetts a special tax of three-fourths of 1 per cent on net incomes of corporations; the Indiana legislature proposed a constitutional amendment authorizing the levy of an income tax. Four important taxing measures failed in the Ohio legislature. These provided for taxes on net incomes, on gross receipts of transfer, truck and transportation companies, on the production of coal, oil, gas and other minerals mined in the state, and a license tax for sale of drugs. In Rhode Island an act failed which proposed an additional tax of six cents on each one hundred dollars of ratable property valuation for payment of current expenses.

One state, Indiana, provided for a revision of its tax laws. A measure providing for the reform of taxation methods failed in Washington. The legislature of Indiana proposed a constitutional amendment authorizing the general assembly to provide by law for a system of taxation in order to simplify the present constitutional provision. This must be acted on by the legislature of 1921 and may thereafter be referred to the electors.

CIVIL SERVICE

The legislature of Maryland adopted the merit system during its 1920 session. The law exempts many officers from the classified service, but gives the governor of the state the power to classify them. Enforcement is in the hands of a single commissioner appointed by the governor for a six-year term.[1]

Maryland provided for the pensioning of members of the fire and police departments of Baltimore county; Massachusetts for the pensioning of members of the police department of Boston; New Jersey for

[1] *Political Science Quarterly*, September, 1920, Supplement, p. 73.

the pensioning of firemen and policemen of municipalities; and New York passed a bill to bring about greater uniformity in the New York city pension system. This measure is expected to take care of all civilian employes other than those of the uniformed forces.

Maryland has included among those to be given preference in the civil service, army and navy nurses. Three states, Massachusetts, New Jersey and Ohio, passed veteran preference measures. The New Jersey law provides for credit marks in civil service examinations to be given to United States soldiers, sailors or marines who served in any war, and requires appointment if among the first three certified. The Ohio law provides that any Red Cross nurse or soldier, sailor or marine may file with the civil service commission a certificate of service and honorable discharge, whereupon his name shall be placed on the eligible list by the commission, from which list he may be appointed to any position in the civil service of the state for which he is qualified.

NATIONAL PARKS OR IRRIGATION RESERVOIRS—WHICH?

BY J. HORACE McFARLAND
President, American Civic Association

Measures pending in congress authorize the flooding of parts of Yellowstone Park in favor of private interests. Secretary Payne, however, has announced that the water from these lakes can be utilized after it leaves the park without detriment to this national recreation center. :: :: :: :: :: :: :: ::

At a meeting of the Great Falls Commercial Club, of Great Falls, Montana, held Friday, October 15, 1920, a circular headed "The National Parks in Imminent Peril," as sent out by the American Civic Association, received attention. The result of that attention was the taking of the following action:

After considerable discussion on this matter the directors of the Great Falls Commercial Club expressed themselves as heartily in accordance with the use of the reservoirs as irrigation and power sites, being strongly opposed to the wishes of your communication.

This matter will be taken up with the various commercial clubs in this state toward the encouragement of the use of these waters for the purposes of irrigation and power for the betterment of our state.

It is thus seen that the point of view of commercial organizations of the states surrounding the Yellowstone National Park was that these great areas are not parks, but reservoirs. To be sure, in 1872 congress set aside a part of the area which nature had long before set aside, for the use of the people as a park, and indeed as a museum of natural wonders. Evidently the Great Falls Commercial Club, at first, regarded this action as merely a convenient way in which the property was kept out of the open public domain. Now that somebody needs the water either for irrigation or for power, this action of congress must, of course, be set aside and the water in this park, or any other park must be

put to what will at once be called "practical use."

Such was the idea of this organization of business men. Being business men, they were amenable to facts and argument, and a little later, after hearing from the American Civic Association, the Great Falls Commercial Club rescinded its action, notifying the senators and congressmen of its state of its changed point of view.

PARTS OF YELLOWSTONE TO BE FLOODED

The Great Falls organization was thinking of a proposition for the damming of Yellowstone Lake at its outlet so as to raise its level either seven feet or twenty-nine feet, in proportion to the amount that can be put over on congress. This impounded water, rising to the determined level as the snow melts in late winter and early spring, would then be drawn down during the summer for irrigation and for power. Such action would, of course, leave the sloping shores that had been flooded in the same condition of mud and destruction as the shores of Jackson Lake, a few miles to the south, now are in consequence of the same action. Nevertheless, various congressmen and promoters insist that no harm can happen by the damming of the Yellowstone Lake or any other lake, and that, indeed, the beauty of the lakes is enhanced by impounding in them more water.

The general Yellowstone scheme goes far beyond the great and beautiful lake that bears the name of the park. It includes all the bodies of water to the west and the south. Heart Lake is an appropriately named small lake, Lewis Lake farther west is larger, and Shoshone Lake still larger. These are to be united by a general scheme of flumes, tunnels, pipe lines, conduits, poles and wires, so that they may serve both for power and irrigation not only in Montana to the north but in Idaho to the south.

That is, this was the scheme when John Barton Payne succeeded to the Interior portfolio and his firm stand and vigorous English became a factor. The three smaller lakes were given up for the time being, although the necessary engineering data had been gathered, and the flooding height of the Yellowstone Lake was reduced from twenty-nine feet to seven feet in the bill which Senator Walsh of Montana introduced upon the reassembling of congress in December last.

In the southwest corner of the Yellowstone Park there is a region shown on the topographic survey as the "Falls River Basin." It is indicated as marshy. Early this year a bill permitting the erection of a dam, or several dams, at the southern border of Yellowstone Park slipped through the senate without comment and was on the unanimous consent calendar in the house under the leadership of the Honorable Addison T. Smith of Idaho, when we were waked up to its importance. Objection was made, and by vigorous action Mr. Smith's bill was prevented from coming up on passage. At a hearing held in May, when Mr. Smith sought to obtain a rule which would have confined discussion of this proposition—the entering wedge for the destruction of the Yellowstone—to one hour, he and his friends made such a poor showing that they were nearly laughed out of the committee room.

But the scheme still remains. The bill is still on the house calendar. It was brought up immediately upon the reassembling of congress, but because the people have begun to wake up to the danger to their park property, enough congressmen have objected to its consideration to diminish the menace of its passage in this congress.

Mr. Smith has personally informed me that he expects to introduce a similar bill in the next congress after March 4th. He hopes the people will forget, and let him get his scheme through.

During the summer Mr. William C. Gregg, a New Jersey manufacturer, who for many years made it his pleasure to visit the little known regions of the Yellowstone Park, went into this Falls River Basin properly equipped to investigate it. He found that instead of being, as was alleged by the promoters of the irrigation scheme, an unpleasant marsh, it was a succession of grassy meadows, set with lovely streams and bordered with impressive waterfalls on a plateau which, of course, would furnish the cheaper part of the proposed impounding reservoir. Mr. Gregg made many photographs, and thus brought away indisputable evidence of the wrong of the project. The location, by the way, is less than twenty-five miles from Old Faithful Inn, and Mr. Gregg and his family found no hardships in reaching it on horseback.

It is a significant comment on the persistence and intelligence of the Idaho congressman that at a hearing on another unrelated bill held January 6, he soundly abused Mr. Gregg for daring to investigate the Fall River Basin in a belief that the map made in 1878 might not be accurate now. "Who dares to doubt a government map," shouted Mr. Smith, even while his associates were looking with interest at photographs proving its error in 1920.

THE VALUE OF NATIONAL PARKS

This is only the beginning of what is undoubtedly a concerted assault on the nation's possessions in parks. The question arises as to whether or not these areas ought to be preserved as parks or whether they are required for economic development of the surrounding territory.

The first inquiry, then, is as to the value of national parks, or, for that matter, as to the value of any park. It is not proper here to enter into an elaborate argument, but it will be a rash publicist who asserts with any expectation of supporting his assertion that a park is not a necessity, that it does not perform a beneficent function, that it does not wholly justify itself if well administered in its directly favorable effect upon the economic life and production of the community which it serves.

The national parks have another quality than that of simply recreation. Each one of them includes some rare natural phenomenon, and some include many such wonders. The Yellowstone, for example, not only has the geysers, all of awe-inspiring quality, the mud volcanoes, the paintpots, and other similar evidences of nature's resourcefulness, but it has the Grand Canyon of the Yellowstone, possessing a quality all its own. It has glass cliffs, it has petrified forests, and in addition it has great and lovely open areas set with mountains towering to ten thousand feet and more, and bordered by ranges carrying eternal snow. The Fall River Basin includes a lovely valley, ideal for camping.

Similarly, the other national parks have each their own wonders which we have heretofore thought were worth preserving. The glaciers characteristic of Glacier Park, the atmospheric phenomena of the Grand Canyon of the Colorado, the exquisite waterfalls of the Yosemite, the reserved tree monarchs in General Grant and Sequoia parks, and all the rest of the wonders in all the parks, go far beyond the primary recreational use as memorials of the nation's possessions.

There is a vast financial potentiality in these areas, which, belonging to all the people, are beginning to be used by many of them. In 1920 some thirteen thousand automobiles, very largely of the Ford type and coming from the neighboring states, toured into the Yellowstone with camping parties to take their pleasure in the nation's great pleasure-ground. With less than two hundred miles of developed roads in more than three thousand miles of its area of wonderland, the use of the Yellowstone is barely beginning. Each use is accompanied by a relatively large expenditure which the traveler and visitor makes to the benefit, in a commercial way, of all with whom he comes in contact of service from his home until he reaches it again. Niagara, for example, is admitted now to earn, independent of the power that has been stolen from its majesty, beyond thirty-five million dollars annually in travel revenue.

IRRIGATION POSSIBLE WITHOUT INJURY TO YELLOWSTONE

But what is the economic possibility in these parks which justifies the western promoters in opposing the idea of keeping the parks in their integrity? It happens that there is competent evidence in this direction.

At the hearings held in connection with the Smith bill referred to it was developed that between five hundred and one thousand farmers, organized into twenty-four corporations, were operating irrigation projects in Idaho, south of the Yellowstone Park. These farmers had had five successive good crops, but in 1919, a year of slack water, they either lost their crops almost altogether or had them materially reduced. It was felt, therefore, that there ought to be assurance against any such recurrence by reaching into the Yellowstone National Park, so that the property of one hundred millions of people might be given over to the uses of a bare thousand of them to assure continuously profitable crops! No suggestion has been made that the cost of food would be decreased by such action. There is no suggestion of public benefit. Indeed, it has since appeared that in this very region, not twenty miles from the proposed dam, "dry" farmers have been continuously successful in raising large crops for twenty years.

It is therefore insisted that the economic use is a selfish use, that it appertains to but comparatively few of the people who actually own the parks, and that consequently such diversion is unfair as well as practically sacrilegious.

But there remains a still more definite showing of the wrong of these propositions. Secretary Payne visited the Yellowstone during the summer of 1920, and, as he writes, "gave a hearing to persons interested in this project. . . . I pointed out to them that it was very much more desirable from every standpoint that the dam for reclamation should be built outside of the park. The water flow in the vicinity of the Yankee Jim Canyon is more than twice as great as at the mouth of Yellowstone Lake. . . . The value of water for power and reclamation purposes I fully appreciate; but since the water does not remain in the park, means may always be found to utilize the water after it leaves the park to the same and often to a greater extent than if the effort was made to use it in the park."

It should be noted that Judge Payne is the head of that branch of the government's activities which has to do with reclamation and irrigation. It is obvious that cheapness of development is the only excuse, if one believes

his statements, for these assaults on the national parks.

Yet another danger remains. The federal water power act, approved June 11, 1920, specifically permits the filing of claims on water for power purposes in any park or other reservation set aside by the government. Under this claims had been made on many of the nation's most precious scenic possessions. The attitude of the newly formed federal water power commission was that congress did not intend to destroy the national parks, and this commission, including the secretaries of war, agriculture and interior, has declined to consider these applications until after congress has had an opportunity to correct the obvious error committed. If this error is not corrected, then an added and greater danger is imposed upon the national parks.

Senator Jones of Washington has introduced and had reported out of committee a bill removing the parks and monuments from the provisions of the water power bill. Mr. Esch of Wisconsin has introduced an identical bill in the house. At a hearing on January 6 Secretaries Payne, Baker and Meredith urged the passage of this legislation, citing the applications that had been held in abeyance in the hope that congress would act.

If we are to have national parks instead of irrigation and power reservoirs, if the mere one per cent of the public domain thus set aside is to remain in natural beauty and integrity of scenery, our citizens will need to make very plain to their congressmen and senators that determination.

Private interest never sleeps; public interest often nods. Park security depends upon wakefulness and vigilance.

PHILADELPHIA'S "MANDAMUS EVIL"

BY CLARENCE G. SHENTON, LL.M.[1]

The city treasury of Philadelphia must pay millions of dollars annually to meet obligations over which the city government has no control. :: :: :: :: :: :: :: :: : ::

Not content with establishing numerous governmental agencies in Philadelphia and saddling the cost of maintaining them on the city treasury, the people of Pennsylvania have in many cases adopted an exceedingly vexatious method of having the cost determined. They have given local agencies power to finance themselves out of city funds. Most to be desired, of course, is a system under which the city's legislative and tax-levying body, the council, would have complete control over the city treasury. As this is at present unattainable, Philadelphia would be more nearly content—its plight at any rate would be no worse than that of hundreds of other municipalities throughout the land—if, in addition to its council, the legislature were the only body with authority to spend its money. As it is, millions of dollars are disbursed annually by the city to satisfy contractual obligations —including the wages of an army of employes—the amounts of which are not fixed by the legislature nor controlled by council.

[1] Of the Philadelphia bar; staff member of the Bureau of Municipal Research of Philadelphia.

UNRESTRAINED AGENCY

Broad powers to determine what shall be spent for the maintenance of the courts are vested in the judges.

The president judge of the municipal court is authorized to appoint "such tipstaves or employes as are reasonably necessary," and their number and compensation are to be fixed by a majority of the judges of the court. The president judge is also authorized to appoint a chief probation officer "and such additional probation officers and employes as he may determine, at salaries not to exceed $2,500 a year." Other statutes give judges power to fix the number or compensation, or both, of janitors, stenographers, detectives, etc. The constitution provides that the prothonotary shall appoint such assistants as may be necessary and authorized by the courts of common pleas of Philadelphia county, and that the clerk of the orphans' court may appoint assistant clerks with the approval of the court.

The city and county of Philadelphia are coterminous. The legislature has "consolidated" them, but only in a half-hearted way. There is but one treasury. Taxes paid into it are levied by the city council alone, and disbursements from it, except as the result of suit, can be made only pursuant to appropriations by council. Yet, superimposed upon the city government is a county government, headed by a board of commissioners, in whom are vested most of the usual powers of county commissioners to commit the county to financial obligations.

The Philadelphia county prison is managed by a board of inspectors appointed by the courts of common pleas. This board has authority to fix the salaries of all persons employed in the institution, to contract for supplies, and to determine the "quantum and kind of food to be furnished to each person." The county commissioners are authorized to draw their warrant on the "county treasury" for "any deficiency in keeping and maintaining said prison."

A board of managers, appointed by judges, has authority to establish houses of detention for delinquent children—one house for each twenty-five children. The powers of the board are as comprehensive as those of the board of prison inspectors mentioned above. A recent act of assembly authorized the creation of a house of detention for untried prisoners which is to be administered in the same way.

Considerations of space forbid anything like a complete enumeration. There are other agencies with similar powers, and the agencies mentioned have powers which have not been enlarged upon. A list of the money-spending powers of the county commissioners would itself make a longer story than can be detailed here.

"MANDAMUSING" THE TREASURY

If council appropriates funds to satisfy the obligations incurred by the agencies in question, payment is not difficult to secure. If there are no appropriated funds against which the agencies can draw warrants, the employe or other claimant to whom promises have been made brings suit against the city. As there is seldom any doubt that the services have been rendered, and that the law of the state makes the city liable for the amount which has been promised, there is usually no point in contesting the case. The city solicitor therefore brings the city into court amicably, agrees to the facts, waives a jury trial, and, except in rare instances, makes no argument on the law. Judgment against the city is the result.

The plaintiff then proceeds under an act of assembly which authorizes the court to issue a writ—known as a "madamus"—commanding the city

treasurer to pay the judgment, with interest and costs, out of any unappropriated moneys in his possession, and if there be none such, out of the first moneys received for the use of the city. The writ differs from a common law mandamus in that the statute expressly contemplates the possibility of its issuance against an empty treasury. If because of lack of unappropriated funds the writ is not satisfied when presented to the treasurer, it is registered as of the date of presentation, and draws interest at 6 per cent until paid. Claimants not desiring to wait for the city to be in funds to pay their writs have had no difficulty in selling them at par to the banks, which usually regard them as especially choice securities.

A PARADISE FOR POLITICIANS

The opportunities which the situation affords for "playing politics" and mystifying the electorate cannot be overestimated by the most fertile imagination. Responsibility for the spending of the city's money is so widely diffused that efforts of the taxpayer to see to the careful disposition of his contribution cannot succeed. Agencies with the "mandamus power" are more extravagant than they would dare to be if embarrassed by the necessity of levying taxes to meet their expenditures; and council, which levies all the taxes, can justly disclaim responsibility for a large but indefinite part of the levy.

Although the system is known to be wasteful, the waste cannot be measured. There is no way to estimate what could be saved if all municipal agencies were required to live within appropriations of council. The amount by which an agency exceeds its appropriation has no significance in this connection. Council usually has the choice of making what it considers an unjustifiably large appropriation, or of cutting the figure to a point which it considers proper, with the certain knowledge that the balance will nevertheless be collected by mandamus. Confronted by this embarrassing alternative, council has generally surrendered and appropriated the amount demanded. There are times when observers suspect that an opportunity to bow to the mandamus power is welcomed by councilmen as a convenient way to get what they or their political friends want, without assuming any responsibility. Accordingly, the fact that an agency with the mandamus power lives within its appropriation does not mean that the agency has been economically managed. Conversely, the fact that the agency exceeds its appropriation may just as well mean that council has failed or refused to give due consideration to the necessities of the agency as that it has been extravagantly administered.

The use of the writ of mandamus to collect salaries of appointees of judges is peculiarly objectionable. The impression is abroad in Philadelphia that judges are above the law; that they are arbitrarily asserting superiority over the legislative and executive branches of the government. While, in a strict legal sense, their use of the mandamus perhaps does not justify this, nevertheless the spectacle of a judge appointing an employe, fixing his salary, sitting as judge and jury in a suit to collect the salary, rendering judgment in favor of his own appointee, and commanding the city to satisfy the judgment, is not edifying.

THE REMEDY DIFFICULT

Attempts to abate the nuisance will no doubt be met by formidable resistance from many of its beneficiaries.

Assuming that this can be overcome, the line of attack is in most cases obvious. Agencies of the type of the Philadelphia county prison, which are non-judicial and owe their existence solely to legislative enactment, can, of course, be shorn of any or all of their powers by the legislature. A power which is expressly conferred by the constitution, like that of the courts of common pleas to authorize the appointment of assistants to the prothonotary, manifestly cannot be divested except by constitutional amendment. Probably, also, there is no satisfactory way to abrogate the money-spending powers of the Philadelphia county commissioners except by constitutional amendment ordaining or permitting the abolition of county government in counties which are coterminous with cities.

The most interesting legal problem arises in connection with "mandamus powers" assumed by the courts without statutory or constitutional warrant, and those conferred upon the courts by legislative enactment. Strangely enough it cannot be asserted with assurance that these powers can be revoked by the legislature. This doubt results from the character of the opinions which have at times been expressed by courts as to their immunity from legislative control.

"We think upon the outset," said the supreme court of Idaho,[1] "that without discussion or controversy, it must be admitted that the courts have the inherent power and authority to incur and order paid all such expenses as are necessary for the administration of the duties of the courts of justice." Said the supreme court of Indiana:[2] "Courts are an integral part of the government, deriving their powers directly from the constitution, *in so far as such powers are not inherent in the very nature of the judiciary.*" (!) Declarations equally brave might be quoted in considerable numbers. Their tenor, in view of the problem at hand, has made necessary an analysis of the cases in which they occur.

The cases fall into three classes. In the first, judges seem to derive satisfaction from announcing that, although no occasion is presented for the use of "inherent power," they nevertheless have it. Such expressions are dicta, and need not be seriously considered.[3]

The second class includes cases in which courts make orders in matters concerning which statutes and constitutions are silent. *Lycoming County* v. *Hall*,[4] sometimes cited as the leading case in this country on the subject of inherent judicial power, was a case of this sort. A Pennsylvania county court, considering it imperative that a jury in a capital case should be closely observed throughout the trial, directed that they be kept together and provided with board and lodging at a public house at the expense of the county. Although no express provision of law authorized the order, the supreme court held that the county must pay the bill. The doctrine of this case has been extended in Philadelphia to the point where juries are given automobile outings at public expense.[5]

In cases of the third class the courts exercise powers which not only are not expressly conferred on them, but which are expressly denied to them by statutes. The right of judges to

[1] *Schmelzel* v. *Ada County*, 16 Ida. 32, 100 Pac. 106 (1909).

[2] *Commissioners* v. *Stout*, 136 Ind. 53, 35 N. E. 683 (1893). *The italics are the author's.*

[3] See, *e.g.*, *State* v. *Cunningham*, 39 Mont. 165, 101 Pac. 962 (1909).

[4] 7 Watts (Pa.) 290.

[5] See *Gallagher* v. *Phila.*, C. P. No. 2, March Term, 1920, No. 7451.

select certain of their assistants forms the usual issue in these cases. For example, the supreme court of Illinois has decided that the legislature cannot deprive judges of the right to appoint their probation officers.[1] It was said that the appointment of probation officers is so essentially a judicial function that a statute depositing the right to select them elsewhere than with the judges is, under a constitution vesting the judicial power in the courts, an unconstitutional assumption of power by the legislature.

In cases of the type last mentioned the courts do not go so far as to assert independence of the legislature with respect to the number of their appointees or the amounts which they are to be paid. Indeed, not a single case has been found in which a court of final appeal has itself attempted, or has permitted an inferior court, to spend money in defiance of an express and unequivocal statutory provision. In its bearing on the Philadelphia situation this fact may be significant. If the legislature can be prevailed upon to exercise for itself or delegate to council the final discretion as to what is to be spent on Philadelphia courts, the courts cannot refuse to be so limited without an unprecedented arrogation of power.

Of course, no judge will ever admit that the legislature, by withholding financial support, can destroy a court which the people by their constitution have decreed shall exist. There is a point somewhere short of the annihilation of courts with constitutional status at which it would be held that the discretion of the legislature ends. Whether the supreme court of Pennsylvania would decide that the legislature's discretion ends when it contravenes the desires of the judges, and that the judges must be the final arbiters as to what is necessary to maintain the courts as the constitution contemplates that they shall be maintained, is a subject upon which it is impossible to do more than speculate.

The Pennsylvania state treasury, like the federal treasury and most, if not all, of the state treasuries, is protected against disbursement without appropriation by constitutional prohibition and by the principle that a sovereign government cannot be sued without its consent. It is difficult to say whether these limitations would be effective if interpreted by a judiciary determined to make an issue of what it considered inadequate financial support. Sustained by a constitutional mandate for its existence a court could, with perhaps some show of reason, override constitutional obstacles which it considered threatened its existence. Apparently so desperate an issue has never arisen, and it is not likely that it will. The immunity enjoyed by state and federal treasuries, however, does not extend to municipalities. They can be sued without their consent, and forced to pay whether they appropriate or not. Here is a source from which courts, even those which are distinctively state and not local tribunals, can more easily obtain unappropriated funds than from state treasuries. Interesting possibilities are suggested by the case of *McCalmont* v. *Allegheny County*,[2] in which the supreme court of Pennsylvania, holding session in a district comprising a number of counties, without authority of the legislature compelled the county in which it was sitting to pay certain of its expenses.

The municipal court is one of "such other courts" as the constitution gives the legislature power to establish "from time to time." Does it, by virtue of the constitutional warrant for its creation, possess constitutional

[1] *Witter* v. *Commissioners*, 256 Ill. 616 (1912).

[2] 29 Pa. St. 417.

status and the accompanying inherent powers? The question, while interesting, is not likely to be of practical importance, since the undoubted power of the legislature to abolish the court makes it inconceivable that the right to revoke any of its powers would be disputed.

PROSPECTS OF RELIEF

Agitation on the subject of the "mandamus evil" has been running high in Philadelphia for the last year, but in view of the very complex political situation it is difficult to predict what relief, if any, can be obtained. Then, too, there exists in certain quarters a deep-seated reluctance to be identified with a movement looking toward curtailment of the prerogatives of the courts. No doubt efforts will be made during the 1921 session to have the legislature withdraw certain mandamus powers. Probably, however, most is to be expected from the proposed new constitution. The commission on constitutional amendment and revision, which has been working since December, 1919, has been quite sympathetic toward those who urge placing complete control of the city's purse-strings in the city council. The bureau of municipal research, working in conjunction with a committee appointed by the mayor, prevailed upon the commission to recommend the adoption of the following provisions:

> No debt shall be contracted or liability incurred by any municipal commission, board, officer, employe or other agency, except in pursuance of an appropriation previously made therefor by the municipal government.
>
> * * * * *
>
> In any county whose boundaries coincide with or lie wholly within the boundaries of any city, all county officers, and judges, other than the judges of common pleas and orphans' courts, and all state or county officers whose salaries or expenses are payable, in whole or in part, out of funds receivable by any city or county officer shall submit to the chief executive of the city, in the manner and the time required of city officers, estimates of the needs of their respective offices and courts. The city council or other body vested by law with the power of appropriation shall have the same control over appropriations for the support of such offices and courts as it has over appropriations for the support of city offices, except that the general assembly may fix the salaries of such officers and judges.
>
> In any such county any or all county offices may be abolished by law and the functions and powers pertaining to any such office may be transferred to any officer or officers of such city.

As this is being written word comes that the commission has changed the wording of these sections to improve the style but with no intent to violate their substance. From what has been said, it will be appreciated that if the substance of these paragraphs can be made part of the fundamental law, the fight against the mandamus evil will have been won in Philadelphia, except for the powers of the orphans' court and the courts of common pleas. Apparently the commission cannot be persuaded to recommend that these powers be disturbed. It may yet happen, therefore, that the right of the legislature to control the expenditures of courts with constitutional status will become a live issue in Pennsylvania.

RECENT TENDENCIES IN PRIMARY ELECTION SYSTEMS

BY CHARLES E. MERRIAM
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The writer, a keen practical observer of politics, believes that the direct primary has not yet had a reasonable test. It should be retained and certain other improvements introduced, notably the short ballot, the merit system and the Massachusetts ballot, to insure satisfactory nominations. :: :: :: :: :: ::

In 1909 the writer published a history of primary elections in which were traced the tendencies in primary legislation and practice down to that date. Since that time there have been many changes in the nominating system, and it is now a matter of importance to appraise again the broad movements in the evolution of nominating methods.

The operation of the primary laws, outside of the South where the direct system seems to be generally accepted, has proceeded amid many difficulties in the last decade. In the first place, the primary laws were in many cases the result of the work of the progressive Republicans who were particularly active and successful in the years around 1910. The split between the Progressives and the Republicans in 1912 left the stand-pat Republicans, in the main unfriendly to primary regulation, in complete control of the party. It was not until 1916 that the breach was covered and most of the Progressives returned. The primary was a product of insurgency, but the insurgents went out of the party about the time the new law was obtained, so that there was no adequate opportunity for a sufficient test of it. By 1917 the War had broken out, and the general tendency was to present a united front against the common foe. Factional divisions and even party divisions were minimized. There was much discussion of party union; and in a few local cases a combination of the major parties against the Socialists was actually carried out. In any case this was not a favorable time for trying out primary systems. In brief, we may conclude that the real test of the direct primary lies ahead of us, rather than behind us.

The general tendencies of primary election procedure may be grouped under several divisions, in each of which distinctly different effects are evident. The primary in urban and local affairs, the primary in state affairs, the primary in presidential choices, show widely different characteristics.[1]

MUNICIPAL PRIMARIES

In urban communities the overwhelming tendency was toward non-partisan elections, from which national political parties were excluded as far as possible. Nominations were usually made by petition only, or in the so-called "non-partisan primary," which was in effect a double election system. The direct primary had never been demanded for cities by students either

[1] My discussion of presidential primaries is omitted from this paper for lack of space.

of parties or municipalities, and during this period it disappeared almost entirely, although there were notable survivals as in New York and Chicago. In the absence of effective national parties in cities, it was difficult to apply any form of a party primary law with any degree of success. The parties having adopted no general or uniform policy in regard to local affairs, each locality was left to shift for itself, and party allegiance became much weaker than in the case of national elections, although the party machinery was still in formal action. But in practice non-partisanship was established by the friendly collusion or connivance of party machines and bosses long before the demand for non-partisan elections was made by the citizenship generally.

As a result there came a local alignment differing from the national, sometimes brought about by custom or common consent and sometimes attempted by legislation providing non-partisan ballots. One of the most conspicuous tendencies of the last ten years has been the spread of the non-partisan system to the cities of the United States. There was, to be sure, no guaranty that this would eliminate the national party from the local election; but in many cases this was the result, while in others it tended to minimize the influence of the party in urban contests. Without attempting to discuss the large question of the relation of national parties to local affairs, it is sufficient to point out that a new tendency appeared in the growth of the nominating system, and that it was almost universally triumphant in municipal nominating systems. In some instances the non-partisan method was applied to the election of judges, to the choice of school boards, and in Minnesota to members of the legislature.

State and County Primaries

In the case of state and other than urban local officials, the tendency toward the extension of the direct primary system continued its legislative march. The direct method of nomination was taken up by state after state, until at the end of the period there were only a half dozen in which the direct primary was not in general use either by party rule or by legislative enactment.

A brief survey of the developments under the new system shows many interesting and significant situations. I indicated in 1909 that certain changes were necessary in order to make any nominating system, direct or indirect, regulated or unregulated, successful in its operation. These were the shortening of the ballot, the adoption of the merit system in public administration and its enforcement, the return to the original form of the Australian ballot without the party circle or emblem. Some progress has been made in all of these directions, but it cannot be said that they have been effected yet. The ballot has been shortened, notably in the cities, progress has been made in the direction of the merit system and in the supporting sentiment without which the law itself is ineffective, and some changes have been made in the way of modifying the blanket ballot. These conditions are as significant today as they were ten years ago, and still affect materially the success of all nominating systems.

An examination of the actual developments under the direct primary shows that many of the arguments urged by the advocates of the new system and many of these advanced by its bitterest opponents were not wholly valid. On the other hand, there were many effects not generally anticipated. It was frequently charged that the direct primary would destroy the party system or would make party organiza-

tion so ineffective that it could not survive. This was no doubt sincerely believed by many of those who opposed the direct primary. Some even expressed the fear that representative government would be undermined and overthrown. It is perfectly plain that parties still survive and the organization still goes on; and it is no longer seriously contended that party management is incompatible with this particular form of nomination. On the contrary we frequently encounter the argument that the direct primary strengthens the machine, and should therefore be repealed, although this must be taken with a grain of salt when coming, as it frequently does, from members of the organizations said to be so strengthened.

It was believed by many that the direct primary would result in discrimination on the part of the urban districts against the rural; that the mass vote of the cities would uniformly and inevitably overwhelm the more widely scattered rural vote; and that the agricultural sections would lose their influence in the selection of party candidates. This has not come true. There have been instances where the cities have taken more than their share of candidates and also vice versa, but as a rule this has not been the case; and the old argument from this point of view is now rarely encountered.

THE PRE-PRIMARY SLATE

On the other hand, the pre-primary slate has appeared more frequently than was anticipated either by the advocates or the opponents of the new primary plan. The possibility of this was pointed out by some students of the subject, but it was not generally realized that the organization or the machine might name the candidates in advance and then obtain the ratification of the slate proposed by them. In some cases this possibility has become a fact and a custom. In such cases the primary has ceased to function as intended by its proponents. In many other instances there have been no slates at all, or if framed they have not obtained a uniform or even encouraging success. In other cases there have been two or more slates and the honors have been divided between them. When there is a long list of candidates to be chosen with much patronage at stake, it has been more easily possible to form and carry through a slate. The direct primary has not made automatically impossible the control of the nominating system by a ring or a machine, even of the corrupt type.

To what extent the new system has influenced the choices made by the organization which still nominally controls is a question much more difficult to answer. The character of nominations is determined not only by open and successful resistance to organization nominees, but by the possibility and the probability of resistance which is anticipated or discounted or thwarted by the character of the nominations made by the organization itself. A wise machine will make many concessions in order to prevent the raising of the standard of revolt by an opposing faction or by unorganized insurgents. Resistance is generally more readily made under the direct primary than under the convention system. There is always a certain protest vote, and a certain disgruntled vote, and there are always groups within the apparently united machine that are ready to take advantage of any insurgency for the sake of advancing their own ends. Such resistance is more effectively registered by the popular vote than by the number of delegates elected.

The question whether better candidates are obtained cannot easily be answered, first because no sufficiently elaborate inquiry has been made to cover all the facts in the case. That such an inquiry would be eminently useful, there can be no question. Very bad candidates have been selected under the direct primary system at times, and also very good, competent, honest and representative ones. That more than usually unfit candidates are selected because no one is directly responsible is not true as a general thing, although it may happen occasionally. But incredibly bad candidates have also been chosen by "responsible" conventions under adverse conditions, to phrase it mildly. On the whole it is difficult to see how the "bad" man would find it easier to obtain a nomination under the direct system than under the delegate plan, while it is clear that a "good" man may win a primary fight when he would be wholly lost sight of in a struggle for delegates and the collateral control of a convention nominating a whole series of other candidates. That there are many competent candidates who are excluded from office because of their unwillingness to go through a primary is a pleasant fiction without much basis in the actual facts of political life. Yet no competent and impartial observer will contend that the new nominating system has revolutionized the character of candidates with reference to their ability, their integrity or their representative character. This is a part of the great problem of democracy, which cannot be so simply solved, and which will not be determined finally either by direct or indirect methods of selection.

CAMPAIGN EXPENSES

That the expense of campaigning tends to exclude worthy and favor undesirable types of candidates in the direct system can scarcely be sustained. It will be found that where there is a candidate of exceptional efficiency or one who stands for some broad general policy in which a large number of voters are interested, it is possible to raise the fund necessary for the reasonable conduct of the campaign; and if this fund is raised upon a democratic basis so much the better for the party and the candidate and the general public. Occasionally a candidate is available because of his "barrel," yet the machine can always raise the necessary funds through the application of its own peculiar system of revenue. If no insurgent candidate is available except one who conditions the use of his funds on his own candidacy, little is lost for the community. Nor can it be forgotten that the conventions have often been controlled by small groups of men representing directly or indirectly wealth and privilege in concentrated form. If money was not spent, it was ready for spending.

Furthermore, the elaborate and reckless use of funds is not beneficial to candidates, and may even be positively harmful, and often disastrous. The personally financed campaign of Governor Lowden and his related defeat for the presidential nomination is a striking illustration of the deceitfulness of riches. There is much insincerity and ignorance in the discussion of campaign funds, but there is little evidence to show and none to demonstrate that the use of wealth in direct primaries is more effective than in the capture and control of conventions. The abuses of the use of money should be checked and there should be publicity in regard to receipts and expenditures, but too great confidence should not be placed in automatic devices for this purpose. They will not include the expensive

services of the "organization," or of outside associations, or of the press. The confiding electorate that trusts to a statute for fencing out money or economic power from primaries and elections deserves its certain fate.

It is also to be observed that some confusion has been caused by attributing the expense of public regulation of primaries to the direct system. If the primary is to be supervised by the state, whether it is direct or indirect, the public expense will be about the same in either case. The outlay for rent of polling places, the payment of election officials, the printing of ballots, the provisions for canvass of votes are as great in one system as in the other. If all direct primary laws were repealed and the regulated delegate system retained, the public expense would not be materially reduced. And if there are real contests under the delegate system the expense of the campaign is not much altered. Some money might be saved by having neither primaries, conventions nor elections; but more would be lost.

One of the "Unforeseen Tendencies" observed by Godkin in his incisive study of this subject was the small vote under universal suffrage in many elections. This is still more true of party votes than of general elections. The direct primary has not always drawn out as large a vote as was predicted by its most enthusiastic advocates in the first days of its introduction. In the minority parties, whether in states or counties, the vote has often been very small, running down at times to a small fraction. In other cases, however, the vote has been much larger, rising to 50, 60, 75 per cent, or even higher. The direct primary cannot be relied upon to develop a 100 per cent vote. As compared with the old caucus system, it unquestionably brings more voters to the polls on the average, but the number still falls below the figure originally expected by some of its champions.

THE PRE-PRIMARY CONVENTION

In some instances an effort has been made to retain some form of a convention or a preliminary conference in state affairs. This has been done in some cases by those who were hostile to the whole primary movement and were seeking to undo it in the interest of the organization, as in Wisconsin and in New York, but in still other cases the move came from friends of strictly regulated primaries on the direct basis. From another point of view the Socialists paid little regard to the primary system, but made their own nominations through their conferences or through referendums of dues-paying members, subsequently ratified in the official primary.

In Colorado a law was passed in 1910 providing for a pre-primary convention of delegates to consider and recommend party candidates. Those who received at least 10 per cent of the convention vote for any office were placed upon the regular party primary ballot, but any other names might be put upon the ballot by petition, either with or without consideration by the convention. The action of the party in the primary was final, and might follow or disregard the recommendations of the convention. Governor Hughes made a strenuous effort to establish an official "designation" plan in New York, but was unable to carry it through. The theory of his measure was, briefly, that the responsible organization in charge of the party should meet and present its choice for party office, but that other names might also be filed and printed on the ballot along with the choices of the organization.

The final selection of candidates would then be made by the party voters in a succeeding direct primary. This is not unlike the process that actually occurs in many places, but it was sought by this plan to provide legal machinery, and if possible bring home a little more closely the official responsibility.

In South Dakota the Richards law was adopted after long discussion in 1917. This was an elaborate statute providing in great detail for the calling of a pre-primary convention, for the selection or recommendation of candidates, for the conduct of the primary itself, including provision for joint discussion by candidates, for the recall of party officials, and other interesting features. It was an ingenious and somewhat complicated system, but not unworkable, although much disliked by many of the voters. It is by far the most elaborate attempt to organize party leadership and popular party control through a statutory system that has yet been proposed or attempted.

SOME ALTERATIONS LIKELY TO BE MADE

On the whole, there seems to be in state politics a widespread desire to retain some of the features of the party conference, but at the same time a still stronger desire on the part of the rank and file to make sure that they possess in last analysis the right to name the candidates. The reconciliation of these elements has nowhere been worked out in such a form as to command a general acceptance by the various elements in the major parties. There is some discontent with the primary, although this is stronger in the East than in the West, and does not figure in the South. The organizations would repeal the law if they had the power, and would not imperil their position thereby; but the mass of the voters apparently have no intention of returning to the old delegate system with which they were familiar twenty years ago and under which they suffered grievous misrepresentation. The difficulties and disappointments of the direct primary system are fresh in our minds, but when we recall the alternative of the old system we are likely to recoil from it. The gerrymander of districts, the logrolling for nominations, the bribery and undue influencing of delegates, the domination by combinations of bosses and special privilege, the helplessness of the average voter under the old convention plan has been for the moment obscured. When we begin to compare the old system with the new, however, it is unlikely that there will be general acquiescence in a quiet abandonment of the direct primary and return to the old method of indirect and unregulated choice.

Adjustments and adaptations of the primary laws are likely to be made, but the adoption of the short ballot is fundamental to all of them. The suggestion has been made that a system of party enrollment be adopted. This is now the law in a number of states, but in many communities would not be desired. The enrollment tends to exclude many voters who are members of the particular party, but who for various reasons do not care to affiliate formally with any party. There are thousands of these voters, and they are often very influential in obtaining the best type of nomination. Their exclusion would be unfortunate. This is especially true as women without traditional party affiliations are coming into the field of primary activity.

Again, all enrollment systems must be made flexible enough to allow for party change. But just here serious difficulties are encountered. Either change is so easy as to make the sys-

tem ineffective, or enrollment must be set so far ahead of the appearance of the issues on which parties may divide that those who belong in the party are excluded.

Official pre-primary designation has also been suggested as a desirable amendment of the primary law, with the provision that if there are no opposing nominees there shall be no primary. Selection of party slates of candidates before the primary is now a common practice in many places. But it has not changed the general character of the candidates of the party, as may readily be shown in concrete cases.

In Chicago, for example, the majority faction controlling the county committee suggests a list of candidates, and any other faction then suggests another slate, or other candidates may file and contest with the majority or the minority faction. To make a statutory requirement that there be an official designation of candidates would not change the situation, except that opposing candidates would be branded "rebels," and would be held responsible for the expense of the primary which otherwise would not be held. All of which would help the organization. However, a general provision that there be no primary if there is only one set of nominations, whether official or unofficial, would be of value, and would not discriminate against any list of candidates.

PARTIES WEAK ON RESPONSIBLE LEADERSHIP

There is great need for better organization of party leadership. It is evident that the party is under-organized on the side of policies and principles, and somewhat over-organized on the side of elections and office distribution. The writer's analysis of party leadership, and a suggestion for a party council to remedy the situation, is omitted from this article for limitations of space. The urgent need of better organization of parties for purposes of consultation and conference, interchange of views, discussion of party technique and propaganda, and the opportunity for those personal contacts so important and useful to leaders and managers in other groups, cannot be denied. On the contrary, every effort should be made to develop the party in the directions of intelligent deliberation over questions of public policy, and the development of genuine leadership.

If the party is really to function as an agency for the formulation and expression of policies and leadership, there must be devised ways and means for this purpose. Obviously the stock "convention" does not correspond to the conference and council of other groups with common aims. The party's official and governmental representatives, its leading candidates, its technical managers, its unofficial leaders, might readily be brought together in conference from time to time, if it be desired to do so, and if there were a genuine demand for the better organization of this side of the party's life. In the absence of any adequate organization of the policy determining side of parties, it is likely that the party activities will be treated as primarily a part of the electoral process, and be governed accordingly. The spectacle of public regulation of the details of party organization, and even of the tests of party membership can be explained only on the ground of the ineffectiveness of the party on the side of principles and policies, and of its leadership of the community in this direction. I should like to see the party conference tried both in state and nation (although not by mandatory statutory requirement); and the

assembly of the party leaders and managers in genuine consideration of the major issues of public policy and of party technique. Possibly such conferences might be purely perfunctory and ineffective, but if so would this not throw an interesting light on the character of the party and its actual function in the state?

THE SHORT BALLOT INDISPENSABLE

My observation leads me to believe that *the short ballot is indispensable to any satisfactory system of party nominations,* and that there will be continuing and justified dissatisfaction until this is brought about. In the meantime it seems to me that the elements of a sound policy are: the nonpartisan election of local officials and of judges; the continuance of the direct primary for state offices; the development of supplementary agencies for party consultation and conference (but not by statutory methods.)[1]

But I believe it is of the very greatest importance to conduct a comprehensive inquiry into the whole nominating system and to obtain the best judgment on the facts that the mature experience and careful reflection of many minds can produce. A possible agency for this purpose would be a committee or commission appointed by each of the parties with direction to review the facts regarding party conditions and to present recommendations for the consideration of the public and the party. If no changes are needed or possible, the value of such a report would be very great in allaying popular discontent and if, on the other hand, alterations are necessary, such a body could indicate lines of modification which if they met with general approval might be adopted and made effective. If the parties will not do this, it might be undertaken by some other agency such as the League of Woman Voters, which would have the advantage of approaching the question without established prejudices; or the Institute for Governmental Research; or the American Political Science Association; or some private endowment in whose conclusions the public might have confidence. The fact that changes in party organization and method are made slowly is only an additional argument for starting the work without delay.

[1] My discussion of presidential nominations is omitted here.

COUNTY GOVERNMENT IN OREGON—A GROWING PROBLEM

BY HENRY E. REED

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An urban county with eighty taxing authorities instead of two, ramshackle rural counties that resist business methods, and arbitrary tax limits by constitutional amendment as the current attempt at a cure!

EVERY once in awhile the people of Multnomah county, startled by the confusing complexity of local government, propose what seems to them the logical solution, the consolidation of all agencies into one body, to be called, say, the City and County of Portland. At such times, as Pericles said in his oration on the "Causes of Athenian Greatness," "there is visible in the same persons an attention to their own private concerns and those of the public; and in others engaged in the labors of life there is competent skill in the affairs of government." While the subject is fresh it is discussed with vigor and a degree of intelligence, but soon the interest wanes and no more is heard of the matter until some incident of public administration causes it to bob up again. Then it passes through the same endless chain of rediscovery, analysis, argument pro and con, and lethargy. The issue is a vital one, but there is no organized endeavor to instruct the people upon the advantages of unified government, no positive programme to work to, and the result is inevitable, nothing definite accomplished.

With this brief introduction, I will leave Multnomah county's chief concern—unification of government—while I give an historical outline of the origin and powers of counties in Oregon, and review the important constitutional and statutory enactments pertaining to them.

HOW THE COUNTIES BEGAN

While the vast area west of the Rocky Mountains and northward from present California to Latitude 54 degrees and 40 minutes was jointly occupied by the United States and Great Britain, the rugged settlers organized in 1843 a provisional government and called it Oregon territory. Some 400,000 or 500,000 square miles, the exact size depending upon what was considered the northern boundary of the United States, were divided into four districts. In 1845 the legislature changed the designation of "districts" to "counties," which was continued by the territorial and state governments. Thus, for seventy-five years, the county has been the principal agency of the state in the Oregon scheme of government.

The state constitution, effective in 1859, recognized the existing counties, and provided that no new county might be created with less than 400 square miles of area, or 1,200 population. Each county was required to elect, biennially, a clerk, a treasurer, a sheriff, a coroner and a surveyor, and was authorized to elect or appoint any additional officers that might be necessary. County debts or liabilities

(Article 11, Section 10) were limited to $5,000, except to suppress insurrection or to repel invasion. In 1912 this section was amended to permit a further debt of 2 per cent of the assessed valuation of all property to build permanent roads, and in 1919 the road limit was increased to 6 per cent. In two cases decided years ago, the supreme court, construing the $5,000 county debt limit as it stood from 1859 to 1916, held "that, in the administration of its affairs, debts of a certain class were thrust upon the county by operation of law, and were not within the constitutional limitation, such as salaries and fees of witnesses and jurors, and that the $5,000 limitation applied only to voluntary indebtedness." The tax and indebtedness limitation amendment to the constitution, adopted in 1916, on which more will be said later, applied the $5,000 limitation to "debts hereafter created in the performance of any duties or obligations imposed upon counties by the constitution or laws of the state, and any indebtedness created by any county in violation of such prohibition and any warrants for or other evidences of any such indebtedness . . . shall be void." The effect of the tax and indebtedness limitation amendment upon the $5,000 county debt limitation, according to the recent ruling of the supreme court in *School District No. 24 of Marion County* vs. *Smith*, was to nullify the force of the old decisions of the court "as to a distinction or priority of debts of any class or character, and to bring all kinds of indebtedness within the constitutional limitation."

A PRIMITIVE GOVERNMENT FOR PRIMITIVE TIMES

Under the earliest territorial laws of 1849, county business was transacted by the probate courts. Boards of county commissioners were first created and powers of counties defined in 1851. Present general powers of counties were fixed by act of the territorial legislature, effective May 1, 1854. At that time there were fifteen counties, having an aggregate population of between 30,000 and 40,000. The chief pursuit of the people was agriculture, and their principal place of residence the Willamette Valley counties.

Multnomah county was yet to be created, and he would have been bold, indeed, who would have visioned the complexities of the county's problems at the present day. This act is Section 2861, Lord's Oregon Laws, and it reads:

> Each county shall continue to be a body politic and corporate for the following purposes to wit: To sue and be sued; to purchase and hold for the use of the county lands lying within its own limits, and any personal estate; to make all necessary contracts; and to do all other necessary acts in relation to the property and concerns of the county.

The few words above quoted, enacted into law under primitive conditions sixty-six years ago, comprehend the general grant of authority which the legislature has given to the counties. Time and again the supreme court, in passing upon some issue arising out of the relation between state and county, has ruled that the county is a mere agency of the state. In *Yamhill County* vs. *Foster* (53 Or. 124), the court held that "a county is not a private corporation, but a political agent of the state, created by law for governmental purposes, and charged with the performance of certain duties in behalf of the state." To the same effect is *Mackenzie* vs. *Douglas County* (81 Or. 442) and *School District* vs. *Smith*, decided in the summer of 1920. In the Smith case the court denied the right of a county,

in levying a tax, to "nullify a mandatory act of the legislature through the exercise of discretionary power vested in it by other legislative acts."

The legislature set the counties adrift in 1854 and let them work unregulated for nearly sixty years. Laws defining the powers and duties of county boards and county officers fill the codes and session laws, but there is a dearth of legislation pertaining to county finance. All that was required of counties was that they should, through their county boards, at some stated term in the year, levy taxes for their own support, and for any other purposes provided by law, and enter their determination at large in the records. It would be impossible to say, without making a detailed examination of the records of each county, to what extent the determination entered in the records partook of the nature of carefully prepared budgets. The duty was performed as well as might have been expected when the officials charged with its performance were not subject to the check of a superior power. It is perhaps true, in a general way, that for a long time after 1854, more than a half century, some sort of estimates were made each year, that the people understood them, and that the county boards faithfully adhered to them. Still, there are instances where no details of any sort are shown in the records, and only the rate of tax levy in mills for various purposes is entered. During this long period the big policeman idea of government obtained, the needs of the people were few, the cost of administration was light, and there were more watch dogs of the treasury at large then than there are now to challenge expense accounts. At no time during all these years did the legislature think it necessary to require county commissioners to furnish a bond. In 1891, the legislature directed the county boards, sitting in January and July, to examine the books and papers relating to the financial affairs of county officers collecting and disbursing county funds; in other words, make a casual and unprofessional audit. This slipshod enactment was the law of the state for twenty-four years.

During the great depression that followed the financial panic of 1893, all forms of governmental expense in Oregon were kept down to actual necessities. There was economy to the point of parsimony. A typical illustration of the caution that prevailed is furnished by Multnomah county where the total taxes levied on the assessment roll of 1900, when the state was prosperous, were actually 15 per cent lower than the levies on the 1896 roll, when the state was in the dumps.

NEW COUNTY SERVICES

Along about 1901 the people of Oregon began to drift definitely away from the big policeman concept of government. The political powers of the people were enlarged by the initiative and referendum, the direct primary, the corrupt practices act and the recall of public officers, and contemporaneously there sprung up a demand for more service from government. The good roads movement emerged early, followed by a train of new courthouses, libraries, poor farms, bridges, schoolhouses, public auditoriums, salary increases, etc. "All the old services in state, county and city were continued, new ones were undertaken, and new and old were conducted on a higher plane than formerly." Public expense mounted under the pressure and with it taxes. Total taxes levied in Oregon grew from $4,920,000 on the

1902 roll to $18,300,000 on the 1912 roll. Levies on the 1912 roll for county purpose, including roads, but excluding schools, climbed to $7,725,000, or $250,000 more than was raised for all purposes in Oregon on the 1906 roll.

The excitation of the pocket nerve brought a vigorous protest from the taxpayers. Much of the criticism was directed against the county boards, which enter all the levies but are not by any means responsible for them. There were charges of waste, extravagance, unbusinesslike methods in purchases of county supplies, unsystematic accounting, and even of dishonesty. A census bureau official, sent to Oregon to collect data upon the financial condition of the counties, was quoted as saying: "You people of Oregon must be very good natured to permit your county affairs to be handled in so loose a manner."

When the legislature met in 1913, the land boom which had prevailed for most of ten years had subsided, the business depression had set in, and there was a general sentiment in favor of laying upon county government the strong hand of the state. The legislative interest in the welfare of the taxpayer did not, however, extend to reduction of appropriations, for the money grants of the session were the largest in the history of the state up to that time. However, two very important acts were passed. They are summarized as follows:

1. *County budgets.*—Provides that no tax may be levied by a county unless a detailed estimate of the amouns proposed to be raised by taxation it prepared, published twice in a newspaper, and discussed with the taxpayers at a public meeting. At the hearing any taxpayer may be heard for or against any proposed levy. After the hearing the county board must make the levies, but these may not legally exceed the published estimates by 10 per cent. Expenditures may exceed the levy by 10 per cent to take care of emergencies. The county board may prepare the annual estimates or delegate this work to others. In *Anderson* vs. *Hare* (78 Or. 540) it was held that a substantial and not a technical compliance with the law is all that is required.

2. *Uniform system of accounting.*—Directed the state insurance commissioner to install a uniform system of accounting in all departments expending state money and in all counties. The commissioner was vested with sweeping powers and could subpoena witnesses the same as a circuit judge. Beginning January 1, 1914, the commissioner was to make an annual audit of the books and accounts of each county, the cost thereof to be borne by the county concerned. The commissioner was empowered to call at any time for a report from any person or officer or employe of state or county government, whether or not such person actually handled money. All information gained from the audits and reports was to be published in convenient form for the information of the legislature and the taxpayers.

THE REBELLION AGAINST UNIFORM ACCOUNTING

Budget making was accepted without protest, but uniform accounting raised a storm throughout the state. County government had never before in the history of Oregon felt the strong fist of the state in the pit of its stomach, and it rebelled. County officials had long followed their own systems of accounting and would not give them up. The idea of the state's stepping in and telling them to adopt new methods was appalling. So, when the

legislature of 1915 met it was confronted with a vociferous demand to put uniform accounting out of business. That much abused word "economy" furnished the excuse. The legislature was wild on the subject and hit right and left, at good and bad alike. In an omnibus measure, repealing a large number of standing appropriations, it withdrew the financial support of the state from uniform accounting and then made bold and repealed the uniform accounting law itself. "Uniform accounting, the safeguard and insurance of economy," said one reviewer of the session's work, "was struck down on the ground of economy. This much abused word economy was never more prostituted for political purpose by the last legislature than when, in the name of economy, they abolished systematic accounting. And the word economy was used by every unscrupulous, extravagant and loud-mouthed political legislator to cover his own selfish purposes."

Having wiped uniform accounting off the books, the legislature proceeded to square itself with the people by giving them (1) a law, superseding the layman audit of 1891, requiring county courts, under penalty of forfeiture of pay, to make a real audit annually of the records and affairs of each county officer handling county funds; and (2) a tax limitation law, named after its author, the Bingham Act, which was applied to all governmental agencies. Under the limitation law, no county, city, etc., could, in any year, unless authorized by vote of its electors, levy a greater tax than the largest amount levied in any one of two preceding years, plus 6 per cent. Statutory millage rates, also, were subjected to the limitation, but levies for bonded debt, outstanding warrants of prior issue, judgments and interest were not included. County assessors were directed to reduce any levy made in violation of law.

The Bingham Act was in effect one year, when it was succeeded by the tax and indebtedness limitation amendment to the constitution, adopted by the people in November, 1916. By its terms, neither the state, nor any municipal corporation authorized to levy a tax, may, in any year, unless permitted by popular vote, so exercise its power as to raise a greater amount for purposes other than the payment of bonded debt and interest than the amount levied by it in the year immediately preceding for the same purposes, plus 6 per cent. If an increase beyond the 6 per cent is voted in any year it must be excluded in determining the levy-base for the following year. There is an indebtedness limitation clause, the effect of which has been heretofore referred to in this article. The restriction of the Bingham Act upon statutory millages was not carried into the constitutional amendment.

The tax and indebtedness limitation amendment rode the bumps safely in the supreme court in July, 1920, in the case of *School District No. 24 of Marion County* vs. *Smith*, as county school superintendent. A legislative act of 1919 directed a county tax of ten dollars per person of school age for the county school fund. The Marion county board, in making up its budgets, levied the ten dollars, but certified that $1.75 of it was in excess of the limitation. In a test case in the Marion county circuit court, the excess was declared void. Thereupon, the school district sought to mandamus Smith to compel him to apportion to it the full ten dollars per capita. In deciding the issue, the supreme court distinguished between mandatory and discretionary taxes voted by the legislature. It held that the school tax

was a mandatory tax, and that all tax-levying bodies, in making their budgets, must first provide for mandatory taxes before levying the discretionary ones. "We hold," said the court, "that as to the constitutional limitation the power of the county to levy a discretionary tax is subordinate to its mandatory duty to levy a tax under a specific act of the legislature." In another place the court said that the six per cent limitation must be respected and enforced, and while it denied to the county boards the right to reduce a mandatory tax in favor of a discretionary tax, did not venture an opinion as to what might happen if the boards should have to distinguish between all mandatory taxes and still keep within the limitation—in other words, when, as in physics, two inelastic bodies come into collision.

THE TAX SUPERVISING COMMISSION

The legislature of 1919 again hearkened to the demand of the taxpayers for a further check upon counties and other tax-levying bodies and considered a measure having for its purpose the complete separation of the levying and the spending functions of government. Under the budget laws, the governing body, whether commission, council or board, prepares the estimates, hears the objections to them, makes the levies, and receives and disburses the money. The new proposal was to create a super body over all units of government, with power to pass upon the budgets, make the levies and hold the spending authorities to strick accountability. In the last hours of the session, and after much log-rolling, a bill was put through creating a tax supervising and conservation commission in each county having a population of 100,000 or over. That meant Multnomah county, as it is the only county that can qualify in the matter of population. The measure would have been a good one for the state at large, but the upstate counties did not want it and slipped from under.

When the legislature finished juggling with the bill its teeth had been drawn, and the commission created by it was given advisory jurisdiction, only, over all public bodies vested with the power of levying a tax. It can examine annual budgets, hold hearings upon them, report findings, and make recommendations, but "the power and authority to fix and levy taxes shall remain vested in the same authorities as now provided by law." The commission is empowered to compile statistics of public indebtedness, interest and expenditures; to inquire into management and methods of accounting; and to advise with heads of government with the object of conserving the public money and increasing efficiency. The chief weapon placed in its hands for the furtherance of its objects is newspaper publicity.

The tax-supervising and conservation commission made its first report to Governor Olcott in January, 1920, and presented a mass of valuable information relating to taxes and administration. It stressed the point that in its advisory capacity it cannot accomplish anything tangible. It found that supervision of the numerous annual budgets of Multnomah county in the manner contemplated by the act creating the commission cannot be instituted and maintained without further legislation. Recommendations included the enactment of a competent budget law; constitutional and statutory changes to make possible centralized administration of tax-levying functions; audit and examination of accounts; concentration and uniformity of financial records; installation of cost-accounting methods; and classifi-

cation of salaries in the public service with the right of continuous employes to progressive compensation.

It is to be regretted that the commission did not see fit to recommend Multnomah county's greatest need—unification of government—and that it went out of its way to attack the county auditor by innuendo. It says that the administrative code, adopted by the county board in 1913, has remained inoperative, especially in its check and accountancy features, "because of official resistance where co-operation should have been willingly extended." The so-called administrative code is a cumbrous document and was compiled by a man who knew nothing of county government in Oregon. In certain phases it conflicts with law, and in others it is manifestly unworkable. It was not worth the $1,000 that it cost. If Multnomah county had never had, nor ever heard of an administrative code, it is abundantly protected in all its financial operations by the law defining the duties of the county auditor, which is sufficiently broad to give the county any kind of a system of accounting it is willing to install and pay for. If the county board is not satisfied that the auditor is conducting his office in obedience to law, which he persistently claims he is doing, the board can refuse to audit his salary, or even mandamus him to bring him to time. Neither of these things has the board ever done. Furthermore, the county board can examine the auditor's records, or it can appoint some one else to do the work. Neither of these things has the board ever done. Again, under a law of 1915, notwithstanding the strict duties imposed upon the auditor, it is the inescapable duty of the county board to make an annual audit of all county officers handling county money. The penalty for failure to perform this duty is forfeiture of salary. Although this law has been in effect for five years, the county board has never ordered an audit, nor have its members forfeited their salaries. Less disposition in certain quarters to criticize and antagonize the county auditor and more willingness to co-operate with him, less disposition to justify an expenditure seven years ago of $1,000 for an administrative code and more willingness to draft a new and better code, would be highly beneficial to county government in Multnomah county. The code of 1913 is far from being the last word on the subject of administration.

A PROGRAM OF REFORM

The reader who has followed this survey of the beginnings and development of county government in Oregon must be impressed with the thought that the whole system is in need of complete reorganization. It is. The legislature could not address itself to a more valuable subject than this very one of disentangling the county mess and whipping the entire structure into workable shape. Definite results can be accomplished by four enactments, in brief as follows:

1. *County charter.*—Counties should be permitted to incorporate under general laws, with powers defined by charter, the same as cities and towns now do, with power to say what officers they shall have, subject to certain constitutional requirements; and with power, also, to fix the salaries of their officers and employes. In general, counties should be vested with as large a degree of local self-government as is compatible with the right of the legislative assembly to pass a law effective everywhere in the state.

2. *Uniform accountancy.*—All coun-

ties should be subject to a state law providing for uniform accountancy, along the lines of the act of 1913, which was repealed in 1915.

3. *Budget law.*—The county budget law should be revised and strengthened and harmonized with the tax and indebtedness limitation amendment to the constitution. For example, the expenditure of 10 per cent beyond the final estimates, allowed by the present budget law, is of doubtful validity, if it creates an indebtedness in excess of $5,000, under the ruling of the supreme court in the recent Smith case in Marion county.

4. *Tax supervision.*—Each county should have a body like the existing tax-supervising and conservation commission of Multnomah county, but clothed with power to enable it to function effectively. The levying and the spending departments of government should be separated and each in its own sphere held to strict accountability.

All of the foregoing measures can be enacted without constitutional amendments, unless it is desired to alter the title or tenure of certain county officers now required by the constitution. The reasoning of the supreme court in *Lovejoy* vs. *the City of Portland* will support these suggestions for county government reform. If the insurance business, which was the issue in the Lovejoy case, is of sufficient importance for the state to assume the exclusive regulation of it, then county government is of sufficient importance for the state to take hold of it and improve it.

THE SUPREME NEED—UNIFICATION

Multnomah county would participate in the benefits accruing from the betterment of county government at large, but for it the ultimate remedy is unification of its local governments. This step cannot be taken hastily. Constitutional authority for consolidation must first be obtained and this will take time. Next will come the drafting of the charter which will draw upon the best talent that the county possesses.

Multnomah county is one of Oregon's thirty-six counties. It is the smallest in size, but it leads all the others in population, wealth, manufacturing and shipping. Its gross area is 451 square miles, of which about 111 square miles are in the Bull Run timber reserve. The principal tax-levying corporations within its boundaries, not counting the county itself, are: Port of Portland 209½ square miles; School District No. 1, of which the larger portion is within the corporate limits of Portland, 80 square miles; the City of Portland and the Portland Dock Commission, each 66.3 square miles. The population of the county is nearly 276,000, or 35 per cent of the state's total, compared with 12½ per cent in 1870. There are 612 people to the square mile, a greater density than is present in Denmark, Holland, Japan or pre-war Germany. Portland has over 93 per cent of the population of the county and over 96 per cent of its assessable wealth. The industrial and commercial interests are extensive.

One who sits before a map of Multnomah county, and traces its transportation systems and is impressed with its tightness, is struck with wonder that its people tolerate the annual levying of taxes by a large number of public bodies "acting independently of each other and actuated by no co-ordinating impulse." Year in and year out, these bodies decide how much money they want from the taxpayers, make their levies and report them to the county board, which

orders them extended on the general tax roll. Then the sheriff collects the money, pays it to the county treasurer, who in turn remits to the authority making the levy; and there is no one to say whether or not the levies are too high or too low, right or wrong, conformable to or evasive of the six per cent constitutional limitation, or whether or not the money has been legally or illegally expended. At present there are eighty functions, agencies or activities, or whatever they may be called, which are authorized by law to levy, or order to be levied, a tax in Multnomah county, or some portion of it, and more are being organized. Of these, fifty-four are local school districts. All but two of these eighty bodies could be dispensed with, and government would not suffer an iota. The state's right to levy a tax in the county cannot be denied. The remainder of the work can be done by the tax-supervising and conservation commission, provided the legislature will arm it with the necessary authority.

Multnomah county readily adapts itself to unification of local government. It is small in area, compact, densely populated, gridironed with streets, highways, steam railroads, electric railways, telephones, telegraphs, and water courses, and is easily reached, in every part, in winter or in summer, within a few hours of the courthouse in Portland. I am not among those who believe that the immediate effect of the mere unification of local governments will be a reduction of expenses, but this result is possible in a high degree if the right sort of men draft the city-county charter and start the consolidated government upon an economical foundation. I do say, however, that government can be better conducted by one agency than by fourscore of unrelated agencies, and that the immediate effect will be greater efficiency, and that the ultimate effect will be both efficiency and economy in administration.

NOTES AND EVENTS

I. GOVERNMENT AND ADMINISTRATION

The Illinois Constitutional Convention Takes Long Recess.—The Illinois constitutional convention, after nearly a year of floundering, has taken a long recess, leaving the people of the state, who expected so much from this body, in doubt as to whether it will ever submit anything that will meet with the approval of the voters. The convention met in January, 1920, and was in session most of the time until July, when it took a recess until November. After reconvening, and remaining in session for a few weeks, another recess was taken until September, 1921.

Successful business men, bankers, and lawyers of high standing are prominent in the convention. Judged as individuals, the membership rates high. Collectively, the body has shown little ability thus far to function effectively. Most of the members have a strong sense of individuality, and commanding leaders have not appeared. There is no real group working for a definite program. Proposals thus far given tentative approval by the convention in committee of the whole form a rather confusing mixture of good and bad features. Apparently the majority intend to submit the new constitution to the people as one document, which many think means sure rejection. If the convention will submit its work to a popular vote by parts there is much more chance that some features will be adopted. There is much pessimism, both within the convention and among the people of Illinois, as to whether anything will be accomplished. Just prior to the last recess there was difficulty in keeping a quorum.

The subjects arousing the most controversy were those of revenue, limitation of Chicago's representation in the legislature, and the initiative and referendum.

Many citizens of Illinois confidently expected that the convention would authorize a provision for the classification of property for purposes of taxation. The majority refused, however, to give sanction to this idea, but voted to leave in the constitution the requirement for the taxation of all property according to the rule of uniformity. The draft as approved in committee of the whole does stipulate, however, that there may be an income tax on intangible property as a substitute for other forms of taxation of such property. There is provision also for a graduated, progressive income tax with the proviso that the highest rate shall not be more than four times the lowest rate.

At the time the delegates were elected, the *Hearst* newspapers of Chicago were instrumental in securing a popular vote on the question as to whether the proposed new constitution should contain initiative and referendum provisions. The vote on this question was favorable in the state at large, including Chicago. The proposition failed to carry, however, in the part of the state outside of Chicago. When the principle of the initiative and referendum was rejected several members left saying they would not return, and the *Hearst* papers announced that the convention was dead.

After bitter debate, the majority of the committee of the whole voted for drastic limitations upon Chicago's representation in both houses of the state legislature. Thereupon, some of the Chicago members withdrew; others resigned committee memberships and announced that they would perform no more work so long as the attitude of the convention should remain what it was upon the question of limiting Chicago's representation. The Chicago members, while contending for the principle of equality of representation in both houses of the legislature, stood willing to accept as a compromise some limitation in one house.

While the convention contains some able advocates of the short ballot principle, the majority of the body is opposed to any move in favor of a shorter ballot.

The provision concerning counties, as tentatively approved, though awkward in form, holds out hope for substantial progress in county government. After repeating various restrictions of the existing constitution that interfere with intelligent legislative action regarding counties, the proposal stipulates that notwithstanding such provisions the legislature may enact laws uniform as to classes of counties for the organization and government of counties, which shall

become effective when approved on local referendum.

The convention approved the idea of giving Chicago broad constitutional home rule powers, with the right to frame and adopt its own charter. However, it refused to give home rule charter making powers to other cities of the state.

There are provisions intended to authorize the consolidation of the governments of Chicago and Cook county, but it is doubtful whether in their present form they will serve their purpose.

There are provisions about zoning and excess condemnation that are held to be fairly satisfactory.

One interesting provision approved by the committee of the whole is that intended to give cities additional borrowing powers for the acquisition of local public utilities. The present constitution limits debts to 5 per cent of the assessed valuation of the taxable property. The proposal in question aims to authorize an additional indebtedness for municipal ownership purposes of 15 per cent of the value of the real estate. This additional debt-incurring power is accompanied by the condition, however, that the rates charged by municipally owned utilities shall be high enough to make the property self-sustaining.

Everything that the convention has done to date is tentative. There is uncertainty as to what may be the course of action when it meets again next September. In some quarters the hope is expressed that the spirit of compromise may be invoked so as to secure agreement upon a program that can be expected to secure popular approval when the results shall be submitted to the people.

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Employment Standardization in Philadelphia.—It will be recalled from Mr. Woodruff's article in the July, 1920, number of the REVIEW, that the actual work on employment standardization in Philadelphia was begun on April 17, 1920. For the technical work the civil service commission had retained Griffenhagen and Associates, Ltd., a private consulting firm from Chicago. In order to enable the mayor and the city council to incorporate the new standard titles and the new standard rates of pay in the budget for 1921, the date for the completion of the civil service commission's report was fixed by council at October 1. The commission, in turn, required in its contract with the private consulting firm that the latter should file its report by September 15. Both the private consulting firm and the commission reported the body of their recommendations well within their respective time limits.

To facilitate the application of the commission's recommendations to next year's municipal pay-roll, the mayor, on August 12, issued instructions to all departments asking them to embody the new standard titles of positions and the new standard rates of pay in their budget estimates for personal service. These instructions in the main were faithfully carried out and the departmental estimates were forwarded to the mayor.

On October 13, when the mayor transmitted his budget to council, he announced that in order to stay within next year's revenue under the existing tax rate, it had been necessary to lay aside the recommendations of the civil service commission with regard to salary increases, and that "with a few minor exceptions" only policemen and firemen were to receive a substantial increase in pay. The new standard titles also had been stricken from the budget estimates and the old titles had been restored. In effect, this was a complete repudiation by the mayor of the recommendations of the civil service commission. The only hope for their adoption thereafter lay with council.

Almost at the outset the sentiment in council appeared to be unfavorable to the recommendations. Although Philadelphia city employes are at present grossly underpaid, there is at this time such strong popular feeling against higher taxes that council declined to assume responsibility for the immediate 10 per cent increase in the cost of personal service which the adoption of the standard rates of pay would have entailed. The mere fact that the mayor had thrown his influence against the recommendations also proved a big obstacle in the way. It was not surprising, therefore, that on December 6 council took definite action continuing the existing schedule of titles and salaries and postponing the whole problem of classification and standardization until next year. The only general increases in compensation enacted during the budget deliberations applied to the uniformed police and fire forces, the rank and file of which were given a flat rate of five dollars a day regardless of their length of service.

WILLIAM C. BEYER.[1]

[1] Assistant Director, Bureau of Municipal Research of Philadelphia.

Reorganization of the Federal Departments.—On December 14, 1920, the House of Representatives finally passed S. J. 191, which had been passed by the Senate on May 10, in the last session. The joint resolution, which became a law automatically after ten days in which the President failed to veto it, will create a joint committee of six, three from the Senate and three from the House, "to make a survey of the administrative services of the government for the purpose of securing all pertinent facts concerning their powers and duties, their distribution among the several executive departments, and their overlapping and duplication of authority; also to determine what distribution of activities should be made among the several services, with a view to the proper correlation of the same." It is provided that the committee shall report from time to time both to the Senate and to the House and prepare and submit bills; but final report of the committee is required by the second Monday in December, 1922. The committee is specifically authorized to go into the executive offices with the right of examining all records and, presumably, all persons, therein.

It is generally admitted that the Federal departments and commissions could be grouped more advantageously and a good deal of work has already been carried on in the way of securing and collating information by civic bodies, semi-official groups and by the United States Bureau of Efficiency. It came somewhat as a surprise to those who had followed this work that, judging by the debate in the House, the sponsors for the joint resolution apparently had it in mind to conduct some such detailed survey as had been carried on by the Joint Committee on Reclassification, which employed an army of experts, commandeered the time of hundreds of clerks employed in executive departments and expended a generous appropriation of public money in the preparation of its voluminous report. The date set for the final report on reorganization two years hence would indicate the scale on which it is proposed to proceed.

HARLEAN JAMES.

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Philadelphia Votes for $33,000,000 Improvements.—At the November election the voters of Philadelphia voted upon a $33,000,000 loan ordinance for permanent improvements. The loan was carried by four to one. Among the interesting items are those having to do with buildings that are to front upon the Fairmount Parkway, the new diagonal thoroughfare which itself cost $17,000,000. The items include $1,500,000 for the art museum which, with previous loans, makes $3,500,000 available. There is included $1,000,000 for the public library, which makes a total of $4,750,000 available. The new building for the municipal court is provided for to the extent of $1,000,000 which is to be added to $900,000 already made available. Toward the acquisition of property for the construction of the city hall annex $1,000,000 is available.

Philadelphia has opened the Delaware Avenue, an important riparian thoroughfare along the water front, which at its narrowest portion is now 150 feet wide. The Loan bill provided for carrying this improvement both north and south, a total of $1,550,000. For various parkways and parks the voters approved $2,750,000, this including especially playgrounds and parks in the congested section of the city. Philadelphia has been building a new elevated system and is preparing to extend and improve its water supply and among the items are $6,600,000 for these two purposes. There is also included $3,500,000 for construction of wharves and docks.

The emphatic note of all recent city planning in America is accomplishment and in such improvements as the Fairmount Parkway and Delaware Avenue, Philadelphia has an honorable place among the leaders.

ANDREW WRIGHT CRAWFORD.

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Ontario Committee Reports on P. R.—The committee of the Ontario legislature appointed to study and make recommendations in regard to proportional representation has just submitted its report, approved by a good majority of the members. The report recommends:

(1) The experimental use of the Hare system of P. R. in two cities (Hamilton, and Toronto being suggested) and two large semi-rural constituencies for members of the provincial legislature;

(2) The use of the Hare system in single-member districts (the "alternative vote") for the remainder of the legislature; and

(3) Legislation making the Hare system of P. R. optional for Ontario cities.

This report may be regarded as a result of the successful trial of P. R. in the Winnipeg provincial elections last June, at which Mr. A. S. Winchester was present as representative of the Ontario government.

Zoning in Milwaukee.—Readers of the REVIEW will be glad to hear that the admirable zoning ordinance, prepared for Milwaukee under the guidance of Arthur C. Comey of Cambridge, Mass., as consultant, has been adopted by the city. The ordinance, while along the usual lines, adopts some of the newer methods of regulation. There are four use districts,—residence, business, commercial and light manufacturing, and industrial. There is a limitation, varying in the various area districts, of the number of families permitted to the acre or fraction of the acre, as in the Newark ordinance and one or two others of recent date. There are no one family house districts, all residential structures being allowed in the residential districts. The enforcement of the ordinance is in the hands of the building inspector, as it should be. The city has no authority to establish a board of appeals, but will ask the next legislature to grant them this power.

County Home Rule in California.—Santa Clara county, California, the seat of Stanford University and the center of the prune industry of the county, is considering the adoption of a freeholders' charter. Following the lead of San Bernadino, Los Angeles, Tehama and Butte counties, which have home-rule charters, and San Francisco, which has city and county consolidation, Santa Clara county with San Jose as its county seat, has discussed both plans and will proceed with a freeholders' commission to draw up a home-rule charter. No consolidation is possible under a borough system of city and county government, because of the extent of area and the diversity of interests. No separation of the county is possible at present because of constitutional and statute provisions which cannot be avoided. This leaves the home-rule plan with a consolidation of offices and a readjustment of functions and duties, as the only possible alternative, and the one most generally accepted by city and county organizations.

EDWIN A. COTTRELL.

Minnesota to Tax Iron Ore.—One of the issues in the state of Minnesota for a number of years has been the special taxation of iron ore. A tonnage tax bill has been introduced into every session of the legislature except one since 1907. Such a bill was vetoed by Governor Johnson in 1909 and another was vetoed by Governor Burnquist in 1919. This matter was one of the main issues in the recent state election. It is now generally believed that a special tax for state purposes will be levied upon iron ore at the session of the Minnesota legislature which meets in January. Such a tax would relieve, to some extent, the burden upon Minnesota municipalities.

II. MISCELLANEOUS

English Housing Notes.—Last October, Mr. Lloyd George explained to the British Parliament that the house shortage in England at the present time numbers 500,000. Also he added 100,000 houses are needed annually to take care of the regular increase. A ten years' program therefore would call for a million houses.

Since the new housing act was passed and England began her scheme of subventions and subsidies to house builders not much actual progress has been made. In October the minister of health, Dr. Addison, gave out public figures to show that in something less than two years only 7,000 houses had been built, although 50,000 more were in various states of erection.

The Prime Minister wishes to dilute the building trades with unskilled workers in order, as he says, to build more houses. The unions' reply is, that so many men are employed on luxury building such as cinemas, garages, and the like, that there are not enough workers for the houses. From what can be learned their contention seems true.

The most interesting development at present is the award of a contract for 400 houses to the London Building Guilds. These houses are to be built at Walthamstow, a suburb of London, and involve the sum of 400,000 pounds. The guild of course builds without profit and if the housing shortage of England can be solved by the mere building of houses it seems likely that the building guilds will have to be depended upon to carry out the work. The Wholesale Co-operative Society works jointly with the guilds in supplying materials at the lowest possible price and in the case of Walthamstow, the Co-operative Insurance Company insures the contract up to 20 per cent of its value.

News comes that the city of Sheffield has completed its own civic survey—the first to be made by any English municipality. The results have been translated into diagrams which have been

hung in the town hall so that the people can get a really clear understanding of how Sheffield came to be what it is, and where it is going. The growth and direction of population, the influences of transportation are revealed and great emphasis is given to the difficulty of carrying out such complex problems as housing betterment. The people of Sheffield are shown that before houses are built it is necessary to know where to build them, although the importance of gaining this knowledge is never considered in America from the broad standpoint of the common welfare. The Sheffield diagrams reveal the city as a jumbled lot of unrelated and inconvenient groupings which is of course what happens to all cities under the present and haphazard method of growth. We are not informed as to whether the Sheffield diagrams present a study in land values but it is very interesting to note that the city of Manchester is proposing as one of the fundamental steps towards a solution of its great housing problem, a 5 per cent capital tax on land values. It is true that the corporation of Manchester has decided that its great public services shall be run hereafter as nearly as possible at cost and not for a profit. "Perhaps the Council would not have come to this Spartan conclusion," says the Manchester *Guardian*, "if they had not seen an avenue of relief opening through the capital tax of 5 per cent on land values." Of course this tax would only bear upon unused building sites although the scheme proposed would involve the untaxing of buildings and improvements "to the extent of the reduction of the rate." The *Guardian* believes "that the greatest and simplest reform in housing would be simply to lower if not to sweep away the tax on building." This is of course the theory of the single taxers, but at present it remains a theory only. Under the present price and profit system of industry, the guilds believe that the untaxing of buildings is not the only answer.

CHARLES H. WHITAKER.

City-Planning Notes.—One of the newest cities to start city-planning work is Poughkeepsie, where the president of the Chamber of Commerce has appointed a city-plan committee.

In Indiana, the movement for city planning is practically state-wide. In Indianapolis, Terre Haute, South Bend, Elkhart, Fort Wayne, Muncie, Marion, Anderson, Mishawaka, there is definite city-planning interest manifested. In Marion and Elkhart a city plan, or at least some phases of it are being prepared. In Indianapolis and Terre Haute there is a city-plan committee, and in most of the other cities there is a city-plan committee of the Chamber of Commerce. All this interest is now being crystallized in an effort to pass a city-planning and zoning bill at the present session of the legislature. The Indianapolis committee is known as the Committee of One Hundred, and was appointed by the president of the Chamber of Commerce.

St. Paul, Minnesota, will continue the city-planning program under way. The work is now well started, and Messrs. Bennett & Parsons, Consultant City Planners, will make their preliminary plan report on a general street plan the first of the year. The city council has appropriated for work in 1921—$23,000, and a balance of $10,500 in the present year's funds has been reappropriated, $8,500 for a zoning survey, and $2,000 for a survey of street railway facilities, and a report on rerouting.

Mr. George H. Herrold, secretary of the Plat Commission, is also managing director and engineer for the St. Paul City-Planning Board, thus making it possible to correlate the work of these two bodies and control the development in the entire county area surrounding the city.

Meeting of Governmental Research Conference.—The sixth annual meeting of the Governmental Research Conference took place at Indianapolis on November 17 and 18, some of its sessions being held jointly with the National Municipal League. Forty-six members were present from fifteen different bureaus.

The sessions of the conference were devoted mainly to discussions of civil service and accounting, and to the more effective organization of the research movement. The old committees on civil service and the budget section of the model state constitution of the National Municipal League were continued: new committees were established on budget classification, the budget section of city charters, the purchasing section, the accounting section and the bonding section, of charters, statistics of city debt, and the organization of boards of education.

The following officers were chosen for the coming year: James W. Routh of Rochester, Chairman; Robert E. Tracy of Indianapolis, Vice-Chairman; and Lent D. Upson of Detroit, Secretary and Treasurer.